DINGS
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XLIX



PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FOURTH SESSION OF THE THIRD LEGISLATIVE COUNCIL

Vol. XLIX (Nos. 1 to 8)

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency Sir NORMAN EDWARD MARJORIBANKS, K.C.I.E., I.C.S. Took his seat on 29th June 1929.

Members of the Executive Council.

1. The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur, *Kt.*, Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Police, including Railway Police and C.I.D.
2. Regulation of betting and gambling.
3. Prevention of cruelty to animals.
4. Control of poisons.
5. Control of vehicles.
6. Control of dramatic performances and cinematographs.
7. Control of newspapers, books and printing presses.
8. Laccadives.
9. European vagrancy.
10. European and Anglo-Indian education.
11. Regulation of medical and other professional qualifications and standards.
12. Government Houses, Staff and equipment of His Excellency the Governor.
13. Stationery and Government Presses.
14. Elections for Indian and Provincial legislatures.
15. Industrial matters included under the following heads :—
    - (*a*) Factories.
    - (*b*) Settlement of labour disputes.
    - (*c*) Boilers.
    - (*d*) Gas.
    - (*e*) Smoke nuisances.
    - (*f*) Welfare of labour including depressed classes.
16. Criminal tribes.

II.—Central Subjects.

1. Control of petroleum and explosives.
2. Central police organization.
3. Arms and ammunition.
4. Emigration and immigration.
5. Pilgrimage to the Hedjaz.

2. The hon. Sir THOMAS MOIR, K.C.I.E., C.S.I., I.C.S., Finance Member. Took his seat on 27th April 1925 and is in charge of the following portfolios:—

I.—Provincial Subjects.

1. Provincial finance.
2. Pensions.
3. Local Fund audit.
4. Preservation and translation of ancient manuscripts.
5. Central Record office.

II.—Central Subjects.

1. (*a*) Defence of India.
   (*b*) Naval and Military works and cantonments.
2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz.
3. Relations with States in India.
4. Political charges.
5. Communications.
6. Posts and telegraphs and telephones, including wireless installations.
7. Sources of all-India revenues.
8. Currency and coinage.
9. Public debt of India.
10. Savings banks.
11. Indian Audit Department.
12. Commerce, including banks and insurance.
13. Trading companies and other associations.
14. Opium (central questions regarding—).
15. Central research.
16. Ecclesiastical.
17. Archæology.
18. Regulation of ceremonials, titles, order of precedence and civil uniform.
19. Subjects not allocated elsewhere.

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3 The hon. Diwan Bahadur M. KRISHNAN NAYAR, Law Member. Took his seat on 25th April 1928 and is in charge of the following portfolios:—

I.—Provincial Subjects.

1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province.
2. Provincial law reports.
3. Administrator-General and Official Trustees.
4. Escheats.
5. Coroners.
6. Treasure trove.
7. Non-judicial and judicial stamps.
8. Prisons and prisoners.
9. Industrial matters included under the following head: Electricity, including hydro-electric schemes.
10. Forests (including cinchona) except panchayat forests.
11. Minor ports.

II.—Central Subjects.

1. Civil law.
2. Inventions and designs.
3. Copyright.
4. Criminal law.
5. Major ports.
6. Shipping and navigation.
7. Lighthouses.
8. Port quarantine and marine hospitals.

4. The hon. Mr. A. Y. G. Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., Member in charge of Revenue. Took his seat on 29th June 1929 and is in charge of the following portfolios :--

I.—Provincial Subjects.

1. Land Revenue administration as described under the following heads, namely :—
   (a) Assessment and collection of land revenue.
   (b) Maintenance of land records; survey for revenue purposes; records of rights.
   (c) Laws regarding land tenures; relations of landlords and tenants; collection of rents.
   (d) Court of Wards, encumbered and attached estates.
   (e) Land improvement and agricultural loans.
   (f) Colonization and disposal of crown lands.
   (g) Management of Government estates.
   (h) Panchayat forests.
2. Yeomiahs, inams and hereditary pensions.
3. Water-supplies, irrigation and canals, drainage and embankments; water storage and water power.
4. Inland waterways including shipping and navigation thereon.
5. Economic condition including wages and prices and famine-relief.
6. Land acquisition, excepting notifications under sub-section (1) of section 4 and declarations under sub-section (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said sub-sections appertains to a transferred subject.
7. Development of mineral resources.
8. Protection of wild birds and animals.
9. Pounds and prevention of cattle trespass.
10. Provincial Gazetteers.
11. Agency tracts.
12. Fortnightly reports and preliminary special reports to the Government of India.
13. General service questions.
14. Office procedure.
15. Secretariat.
16. Matters of a general nature not allocated elsewhere.

II.—Central Subjects.

1. Geological survey
2. Mineral development.
3. Botanical survey.
4. Survey of India.
5. Zoological survey.
6. Meteorology.
7. Census and Statistics.
8. Territorial changes.
9. Immovable property in possession of the Governor-General in Council.
10. All-India services.
11. Public Services Commission.
12. Reforms.

Ministers.

1. The hon. Dr. P. SUBBARAYAN. Took his seat on 4th December 1926 and is in charge of the following portfolios :—

(1) Education (other than European and Anglo-Indian education).
(2) Libraries, Museums and Zoological Gardens.
(3) Light and feeder Railways and Tramways within municipal areas.
(4) Local Self-Government including village panchayats.
(5) Religious and Charitable Endowments.

2. The hon. Mr. S. MUTHIAH MUDALIYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

(1) Adulteration of foodstuffs and other articles.
(2) Excise.
(3) Registration.
(4) Medical administration.
(5) Pilgrimages within British India.
(6) Public health and sanitation and vital statistics.
(7) Weights and measures.

3. The hon. Mr. M. R. SETURATNAM AYYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

(1) Agriculture.
(2) Civil Veterinary Department.
(3) Co-operative societies.
(4) Development of industries.
(5) Public Works (buildings, roads, ferries, ropeways, etc.).
(6) Fisheries.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL

President.

The hon. Rao Bahadur C. V. S. Narasimha Raju Garu, B.A., B.L

Deputy President.

Dr. (Mrs.) S. Muthulakshmi Reddi.

Panel of Chairmen.

Mr. J. A. Saldanha.
Mr. T. C. Srinivasa Ayyangar.
Rao Bahadur B. Muniswami Nayudu.
Khan Bahadur P. Khalifullah Sahib Bahadur.

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. Krishna Ayyar Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. D. K. Venkataraghava Varma Garu, B.A., B.L.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2. Abdul Hye Sahib Bahadur, K.	Ceded Districts, Muhammadan Rural.
3. Abdul Razack Sahib Bahadur, Khan Bahadur S. K.	North Arcot *cum* Chingleput, Muhammadan Rural.
4. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, Muhammadan Rural.
5. Adinarayana Chettiyar, Bar.-at-Law, T.	North Arcot, N.-M. Rural.
6. Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Ramnad *cum* Tinnevelly, Muhammadan Rural.
7. Anjaneyulu, P.	Guntur, N.-M. Rural.
8. Appavu Chettiyar, C. D. ...	Salem, N.-M. Rural.
9. Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
10. Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts (Indian Christian).
11. Arpudaswami Udayar, S. ...	Tanjore and Trichinopoly *cum* Madura (Christian).
12. Basheer Ahmad Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
13. Bhanoji Rao, A. V.	Vizagapatam City, N.-M. Urban.
14. Bheemayya, J.	NOMINATED.
15. Biswanath Das Mahasayo, Sriman.	Ganjam, N.-M. Rural.
16. Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., the hon. Mr. A. Y. G.	EX OFFICIO.
17. Chidambaranatha Mudaliyar, T. K.	Tinnevelly, N.-M. Rural.
18. Cotterell, C.I.E., I.C.S., C. B. ...	NOMINATED.
19. Davis, J. A.	Anglo-Indian.
20. Dorai Raja, S. N.	NOMINATED.
21. Ellappa Chettiyar, Rao Bahadur S.	Salem, N.-M. Rural.
22. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
23. Foulkes, R.	NOMINATED.
24. Gangadhara Siva, M. V. ...	NOMINATED.
25. Gnanavaram Pillai, P. J. ...	NOMINATED.
26. Gopala Menon, C.	Southern India Chamber of Commerce.
27. Govindaraja Mudaliyar, C. S. ...	Madras City, N.-M. Urban.
28. Gray, O.B.E., I.C.S., J. ...	NOMINATED.
29. Guruswami, Rao Sahib L. C. ...	NOMINATED.
30. Hampayya, Rai Sahib M. ...	NOMINATED.
31. Harisarvottama Rao, G. ...	Kurnool, N.-M. Rural.
32. Hearson, H. F. P.	Madras Chamber of Commerce.
33. Hilton Brown, I.C.S.	NOMINATED.

Name of member.	Name and class of constituency.
34. James, F. E.	Madras Planters—Planting.
35. John, V. Ch.	Northern Districts (Indian Christian).
36. Kaleswara Rao, A.	Kistna, N.-M. Rural.
37. Kameswara Rao Nayudu, V. ...	Ganjam, N.-M. Rural.
38. Karant, K. R.	South Kanara, N.-M. Rural.
39. Kesava Pillai, C.I.E., Diwan Bahadur P.	Anantapur, N.-M. Rural.
40. Khadir Mohidin Sahib Bahadur, Muhammad.	East Coast, Muhammadan Rural.
41. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly *cum* Srirangam, Muhammadan Urban.
42. Koti Reddi, Bar.-at-Law, K. ...	Cuddapah, N.-M. Rural.
43. Krishnan, K.	NOMINATED.
44. Krishnan Nayar, The hon. Diwan Bahadur M.	EX OFFICIO.
45. Krishnaswami Ayyar, Mr. Alladi.	NOMINATED.
46. Krishnaswami Nayakar, K. V.	Chingleput, N.-M. Rural.
47. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendra Bahadur Varu).	Nellore, N.-M. Rural.
48. Kumaraswami Reddiyar, Diwan Bahadur S.	Tinnevelly, N.-M. Rural.
49. Kuppuswami, J.	Guntur, N.-M. Rural.
50. Leach, I.C.S., A. G.	NOMINATED.
51. Leech, A. J.	European.
52. Madhavan Nayar, K.	Malabar, N.-M. Rural.
53. Maharaja of Pithapuram, C.B.E. (Maharaja Sahib Meharbani dostan Sri Maharaja Ravu Venkata Kumara Mahipathi Surya Rao Bahadur).	Northern Landholders, II.
54. Maharaja of Venkatagiri, K.C.I.E., Capt. Sir the (Raja Velugoti Sri Govinda Krishna Yachendrulavaru).	North Central Landholders.
55. Mahmud Schamnad Sahib Bahadur.	South Kanara, Muhammadan Rural.
56. Mallayya, B. S.	Madras City, N.-M. Urban.
57. Manikkavelu Nayakar, M. A. ...	North Arcot, N.-M. Rural.
58. Marudavanam Pillai, C. ...	Tanjore, N.-M. Rural.
59. Meera Ravuttar Bahadur, K. P. V. S. Muhammad.	Madura *cum* Trichinopoly, Muhammadan Rural.
60. Moidoo Sahib Bahadur, Khan Sahib T. M.	Malabar, Muhammadan Rural.
61. Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	EX OFFICIO.
62. Muniswami Nayudu, Rao Bahadur B.	Chittoor, N.-M. Rural.
63. Muniswami Pillai, V. I. ...	NOMINATED.

Name of member.	Name and class of constituency.
64. Muppil Nayar of Kavalappara *alias* Kumaran Raman.	West Coast Landholders.
65. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
66. Muthiah Mudaliyar, The hon. Mr. S. (*Minister*).	Tanjore, N.-M. Rural.
67. Muthulakshmi Reddi, Dr. (Mrs.) (*Deputy President*).	NOMINATED.
68. Muthuranga Mudaliyar, C. N.	Chingleput, N.-M. Rural
69. Nagan Gowda, R.	NOMINATED.
70. Nanjappah 'Bahadur', Subadar-Major S. A.	NOMINATED.
71. Narasimha Raju, The hon. Rao Bahadur C. V. S. (*President*).	Vizagapatam, N.-M. Rural.
72. Narayana Raju, D.	Godavari West, N.-M. Rural.
73. Narayana Rao, Mothay ...	Godavari West, N.-M. Rural.
74. Narayanan Chettiyar, Al. Ar....	Nattukkottai Nagarathars' Association.
75. Narayanan Nambudripad, Rao Bahadur O. M.	NOMINATED.
76. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural
77. Obi Reddi, C.	Anantapur, N.-M. Rural.
78. Parasurama Rao Pantulu, A. ...	Cuddapah, N.-M. Rural.
79. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
80. Patro, *Kt.*, Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
81. Premayya, G. R.	NOMINATED.
82. Raja of Jeypore (Maharaja Sri Ramachandra Deo).	NOMINATED
83. Raja of Kallikota (Sri Raja Ramachandra Maradaraja Deo)..	Northern Landholders, I.
84. Rajan, P. T.	Madura, N.-M. Rural.
85. Ramachandra Padayachi, K. ...	South Arcot, N.-M. Rural.
86. Ramachandra Reddi, B. ...	Nellore, N.-M. Rural.
87. Ramamurthy, I.C.S., S. V. ...	NOMINATED.
88. Raman Menon, K. P. ...	Malabar, N.-M. Rural.
89. Ramanath Goenka	NOMINATED.
90. Ramasomayajulu, C.	Cocanada City, N.-M. Urban.
91. Ramaswami Ayyar, U. ...	Trichinopoly *cum* Srirangam, N.-M. Urban.
92. Ramjee Rao, V.	NOMINATED.
93. Ranganatha Mudaliyar, A. ...	Bellary, N.-M. Rural.
94. Ratnasabhapati Mudaliyar, Rao Bahadur C. S.	Coimbatore, N.-M. Rural.
95. Robertson, R. J. C.	Madras Trades Association.
96. Sahajanandam, Swami A. S. ...	NOMINATED.
97. Saldanha, J. A.	West Coast, Indian Christian.
98. Sami Venkatachalam Chetti ...	Madras City, N.-M. Urban.
99. Sarabha Reddi, K.	Kurnool, N.-M. Rural.
100. Satyamurti, S.	Madras University.

Name of member.	Name and class of constituency.
101. Seturatnam Ayyar, The hon. Mr. M. R. (*Minister*).	Trichinopoly, N.-M. Rural.
102. Shetty, A. B.	South Kanara, N.-M. Rural.
103. Sitarama Reddi, Rao Bahadur K.	South Arcot, N.-M. Rural.
104. Siva Raj, N.	NOMINATED.
105. Siva Rao, P.	Bellary, N.-M. Rural.
106. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
107. Soundarapandia Nadar, W. P. A.	NOMINATED.
108. Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
109 Srinivasa Ayyangar, T. C. ...	Ramnad, N.-M. Rural.
110. Srinivasan, Rao Sahib R. ...	NOMINATED.
111. Subbarayan, The hon. Dr. P. (Zamindar of Kumaramangalam) (*Minister*).	South Central Landholders.
112. Subrahmanya Moopanar, S. ...	NOMINATED.
113. Subrahmanya Pillai, Chavadi K.	Tinnevelly *cum* Palamcottah, N.-M. Urban.
114. Swami, Bar.-at-Law, K. V. R.	East Godavari, N.-M. Rural.
115. Tajudin Sahib Bahadur, Syed ...	Tanjore, Muhammadan Rural.
116. Thomas, Daniel	Ramnad *cum* Tinnevelly, Indian Christian.
117. Tulasiram, L. K.	Madura City, N.-M. Urban.
118. Uppi Sahib Bahadur, K. ...	Malabar, Muhammadan.
119. Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.	EX OFFICIO.
120. Vanavudaiya Goundar, S. V. ...	Coimbatore, N.-M. Rural.
121. Venkatapati Raju, P. C. ...	Vizagapatam, N.-M. Rural.
122. Venkatarama Ayyar, K. R. ...	Madura, N.-M. Rural.
123. Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
124. Venkatarangam Nayudu, C. ...	North Arcot, N.-M. Rural.
125. Venkataratnam, B.	East Godavari, N.-M. Rural.
126. Venkiah, S.	NOMINATED.
127. Watson, I.C.S., H. A.	NOMINATED.
128. Wood, C. E.	Madras Chamber of Commerce.
129. Zamindar of Mirzapuram (Mirzapuram Raja Garu *alias* Venkataramayya Appa Rao Bahadur Garu).	Kistna, N.-M. Rural.
130. Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Pandiya Tevar Avargal).	Madura, N.-M. Rural.
131. Zamindar of Singampatti (T. N. Sivasubramaniya Tevar Thirthapathi).	Southern Landholders.
132. *Vacant*	Madras City, N.-M. Urban.

SPECIAL MEMBERS.

133.	Narayanaswami Chetti, Diwan Bahadur G.	NOMINATED for the Bill further to amend the Madras City Police Act, 1888.
134.	Rowlandson, E. J.	NOMINATED for the Bill to suppress Brothels and Immoral Traffic and for the Bill further to amend the Madras City Police Act, 1888.
135.	Sankaran Unni, E.*	NOMINATED for the consideration of the Malabar Tenancy Bill.
136.	Achutan, A.*	Do.

* Took their seats on the 10th August 1929.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

OFFICIAL REPORT.

Fourth Session of the Third Legislative Council under the Government of India Act, 1919.

VOLUME XLIX.

Tuesday, the 6th August 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.
Krishnan Nayar, The hon. Diwan Bahadur M.
Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hameed Khan Sahib Bahadur.
Abdul Hye Sahib Bahadur, K.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Adinarayana Chettiyar, Mr. T.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bhanoji Rao, Mr. A. V.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Davis, O.B.E., Mr. J. A.
Dorai Raja, Mr. S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Gray, O.B.E., I.C.S., Mr. J.
Hampayya, Rai Sahib M.
Harisarvottama Rao, Mr. G.
Hearson, Mr. H. F. P.
Hilton Brown, I.C.S., Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Ayyar, Mr. Alladi.
Krishnaswami Nayakar, Mr. K. V.
Kumaraswami Reddiyar, Diwan Bahadur S.
Leach, I.C.S., Mr. A. G.
Leech, Mr. A. J.
Madhavan Nayar, Mr. K.
Maharaja of Pithapuram, C.B.E.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Moidoo Sahib Bahadur, Khan Sahib T. M.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara alias Kumaran Raman, Mr.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthulakshmi Reddi, Dr. (Mrs.)
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappah Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Narayanaswami Pillai, Mr. T. M.
Parasurama Rao Pantulu, Mr. A.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Raja of Jeypore.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.

PRESENT—*cont.*

Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Ratnasabhapati Mudaliyar, Rao Bahadur C.S.
Robertson, Mr. R. J. C.
Rowlandson, Mr. E. J.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Siva Rao, Mr. P.
Soundarapandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Subrahmanya Pillai, Chavadi Mr. K.
Swami, Mr. K. V. R.
Tajudin Sahib Bahadur, Syed.
Ramamurti, I.C.S., Mr. S. V.
Thomas, Mr. Daniel.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapati Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatrangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Mirzapuram.
Zamindar of Seithur.

I

NEW MEMBERS.

The following new members made the prescribed oath or affirmation of allegiance to the Crown and took their seats :—

MAHARAJA OF PITHAPURAM, C.B.E.
Mr. A. G. LEACH, I.C.S.
Mr. ARTHUR J. LEECH.
Mr. J. GRAY, O.B.E., I.C.S.
Mr. C. B. COTTERELL, C.I.E., I.C.S.
Mr. E. J. ROWLANDSON.
Mr. S. V. RAMAMURTI, I.C.S.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II

CONDOLENCE RESOLUTION *re* DEATH OF MR. P. BHAKTAVATSULU NAYUDU.

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"Mr. President, Sir, it is my painful duty to-day to bring to your notice the death of an hon. Member of this House, Mr. Bhaktavatsulu Nayudu, about three weeks ago. He was born in 1884 and entered life as a clerk in the Railway Department; and afterwards, he became the Head Accountant of the Income-tax Collector's office. On the death of his father, who was a Municipal Councillor of Madras, he resigned the appointment and entered public life. He became in 1920 the President of the Sembiam Union and in 1924 a member of the Taluk Board of Saidapet. He entered the Corporation of Madras as a Councillor in 1921 and did very good work for about six years. He entered the Legislative Council about three years ago and took a very active and keen interest in the deliberations of this Assembly. I am sure, Sir, it is the feeling of every one of us to-day that we are missing the familiar figure of Mr. Bhaktavatsulu Nayudu. I now beg to move—

'*That an expression of the sincere regret of this Council in the death of Mr. P. Bhaktavatsulu Nayudu and our deep sympathy with the bereaved family be placed on record and conveyed to them*'."

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* Mr. P. C. VENKATAPATI RAJU :—" Mr. President, I very much regret that at the outset of this session, we have to bemoan the loss of one member of our party who had been always one of the most powerful exponents of the cause of labour and other interests of the masses in the country. It is true I have been associated with the late Mr. Bhaktavatsulu Nayudu only for the last three years, but I have always found him very mindful of his duty to the poor and he was always true and loyal to the party and we deeply feel for losing him. I and my party wish to associate ourselves with all the sentiments expressed by the Leader of the House, the hon. Sir Usman Sahib, and I beg to support the resolution moved by him."

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I beg to associate myself with the remarks that have fallen from the Leader of the House and the Leader of the Opposition. The hand of death has fallen heavily on some of our members during the last three years and here is another instance of our mourning the loss of one who, though he might have differed in political opinions from some of us, had a sincerity of purpose which could never be questioned. With these words, I beg to associate myself with all the remarks that have fallen from the previous speakers."

* Rao Bahadur Sir A. P. PATRO :—" Sir, I beg to associate myself with what has been said by the previous speakers."

* Mr. C. E. WOOD :—" On behalf of the European group, I beg to associate myself with the remarks that have fallen from the mover and seconder of this motion."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" Sir, I beg to associate myself with the remarks that have fallen from the lips of those who preceded me. Mr. Bhaktavatsulu Nayudu has been for over two years a member of this House and although many of us might not have been able to see eye to eye with him in the opinions that he held and pressed before this House, nevertheless, on this occasion we join in the tribute to his sincerity of purpose in the task in which he was engaged and the work that he did in this House so long as he was its member."

Mr. MAHMUD SCHAMNAD :—" I beg to endorse all that has been said about the late Mr. Bhaktavatsulu Nayudu. He has been an active and useful member of this House and I support the motion of the hon. the Leader of the House."

* Mr. V. I. MUNISWAMI PILLAI :—" Mr. President, on behalf of the depressed classes I wish to associate myself with the expression of regret on the loss sustained by the death of Mr. Bhaktavatsulu Nayudu. Though my acquaintance with the hon. Member was short, yet I always found him to possess honesty of purpose, and I wish to associate myself with the opinions expressed of him by the previous speakers."

* The hon. the PRESIDENT :—" The question is :

'*That an expression of the sincere regret of this Council in the death of Mr. P. Bhaktavatsulu Nayudu and our deep sympathy with the bereaved family be placed on record and conveyed to them*'."

The motion was adopted, the whole House standing.

III

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Arms and Explosives

Non-military rifle shooting clubs or associations for target practice in this Presidency.

*1 *Q*.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(*a*) the number of non-military rifle shooting clubs or associations for target practice on miniature and other ranges in the province;

(*b*) the number on miniature ranges and the number on other ranges;

(*c*) how many of them are Government or Government aided clubs;

(*d*) if there be Government clubs for non-military purposes, for whom they are meant and what amount of money is spent yearly on each club;

(*e*) if there be Government aided clubs, the financial aid which the Government gives to each club yearly;

(*f*) whether any of these clubs or associations are registered and if so, how many; and

(*g*) the names of the clubs or associations?

A.—(*a*) Four.

(*b*) All on miniature ranges.

(*c*), (*d*) & (*e*) None.

(*f*) The clubs have not been registered.

(*g*) (1) Kodaikanal Miniature Rifle Club, Kodaikanal.

(2) The Yercaud Miniature Rifle Club, Yercaud.

(3) The Ladies Rifle Club, Wellington.

(4) St. George's Homes, Ketti.

Mr. S. SATYAMURTI:—"With reference to the answer to (*g*), may I know whether the membership of all these clubs is confined to Europeans and Anglo-Indians?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I have no information, Sir. I shall make an enquiry and let the hon. Member know.

Mr. K. V. R. SWAMI:—"May I know whether permission would be given for similar clubs to be started for Indians?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"When the question comes up before Government, it will be considered."

Mr. S. SATYAMURTI:—"May I know whether in issuing licences to these clubs the Government pay any attention to the race to which the members of these clubs belong, whether they are Indians and whether one race is discriminated from another in the grant of the licence?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Not that I am aware of, Sir."

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Grant of licence to non-military associations for target practice.

*2 Q.—Mr. S. SATYAMURTI : Will the hon. the Home Member be pleased to state—

(a) whether there are any by-laws regulating the granting of licence to non-military associations for target practice; and

(b) if so, whether the Government will be pleased to lay a copy of these by-laws on the table; and if not, why not?

A.—(a) & (b) No such by-laws have been issued by the Local Government. The rules of the Government of India provide for the issue of licences for the purpose indicated.

Mr. S. SATYAMURTI :—"With regard to the answer to both the sections, may I know whether the Local Government have any intention of framing any by-laws with a view to facilitate the granting of licences to non-military associations for target practice?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"That question has not been considered by Government."

Factories

Prosecutions against owners of small factories.

*3 Q.—Mr. K. V. R. SWAMI : Will the hon. the Home Member be pleased to state—

(a) the number of prosecutions against owners of small factories in the last five years;

(b) the total fines inflicted; and

(c) the nature generally of the offences for which prosecutions were launched?

A.—(a), (b) & (c) The hon. Member is referred to the statement entitled 'Statement showing the particulars and results of prosecutions' appended to the annual reports on the working of the Indian Factories Act, 1911, during the last five years which have been placed at the disposal of the Press.

Number of Government and private factories in this Province.

*4 Q.—Mr. K. V. R. SWAMI : Will the hon. the Home Member be pleased to state—

(a) the total number of factories established by Government and by private agencies in this Province;

(b) the number of factories under each head classified according to the nature of the business done in each factory; and

(c) the number of labourers including women employed in each factory?

A.—(a) There were 1,480 factories registered under the Indian Factories Act at the end of year 1928, of which 1,393 were in commission during the year and the remaining 87 were closed.

(b) A statement giving the information is appended.[a]

[a] Printed as Appendix I on page 96 infra.

(c) A statement showing the average daily number of persons including women employed in each factory during the year 1928 has been placed in the Council Library.

Mr. K. V. R. SWAMI :—" With regard to (c), may I know whether the hon. Member would give the figures ? The answer given to the question is scored out."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No, Sir, an answer has been substituted."

Motor Vehicles Act

Motor vehicular traffic in the Presidency.

*5 Q.—Mr. A. B. SHETTY : Will the hon. the Home Member be pleased to lay on the table of the House the information received in regard to my question No. 1863 answered on 25th March 1929 regarding motor vehicular traffic in the Presidency ?

A.—The information [a] is laid on the table.

Mr. S. SATYAMURTI :—" May I know whether the Government propose to take any further steps with regard to these accidents to bring them under control ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The question is under the consideration of the Inspector-General of Police."

Mr. S. SATYAMURTI :—" May I know when the Government hope to be in a position to issue orders on the matter ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I may say, Sir, that the Inspector-General of Police is considering the question of overhauling the whole of the motor vehicle traffic rules."

Police

Alleged dismissal of Mr. V. Appa Rao.

*6 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Home Member be pleased to state—

(a) whether the Government have removed V. Appa Rao, Sub-Inspector of Police of Bimlipatam, from service from 12th April 1928, by ceasing his probation ; and

(b) whether any enquiry was held as laid down in G.O. Mis. No. 540, dated 15th June 1928 ; and, if not, why ?

A.—(a) The probation of Mr. Appa Rao was terminated by the Deputy Inspector-General of Police, Northern Range.

(b) G.O. No. 540, Public, dated 15th June 1928, does not prescribe an enquiry in cases of termination of probation.

[a] Printed as Appendix II on pages 97–99 infra.

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Sriman BISWANATH DAS Mahasayo:—"May I know whether the Government have considered Police Orders Nos. 66 and 244 which lay down a definite procedure in such cases?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There is no definite procedure with regard to these cases. The question was only one of terminating the probation as the person was found incompetent."

Sriman BISWANATH DAS Mahasayo:—"I am not now concerned with the competence or otherwise of the person. I want to know whether or not the definite procedure laid down in the Police Orders to which I just now referred was followed while terminating the probation of this man."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"As I have said, as far as this case is concerned, the question was only one of probation, whether the man was competent for the post for which he was appointed and, when he was found incompetent, his probation ceased."

Sriman BISWANATH DAS Mahasayo:—"Sir, I am sorry that my question has yet to be answered. What I want to know is whether the definite procedure laid down was followed in terminating the probation by the officers concerned. I am not concerned with the other aspects of the question."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I suppose so, sir."

Alleged police vigilance over Mr. G. V. Ponniah Sastri.

* 7 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(*a*) whether Mr. G. V. Ponniah Sastri was kept under police vigilance about January 1929 as he was attending to village improvement work in Bapatla taluk; and

(*b*) if so, what there was in his village work to which the Government had taken exception and why?

A.—(*a*) The answer is in the negative.

(*b*) Does not arise.

Mr. P. ANJANEYULU:—"May I know if it is not a fact that in the months between January and June there was police vigilance on Mr. Ponniah Sastri?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I must have notice of the question, Sir."

Alleged police surveillance on Mr. Abbas Ali Sahib.

* 8 *Q.*—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that Janab Abbas Ali Sahib, a prominent Congressman of Dindigul and merchant, was under police surveillance during his journey to Madras on the 15th March last; and

(*b*) the reasons why he was so watched?

A.—(*a*) No.

(*b*) Does not arise.

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Mr. S. SATYAMURTI :—" With regard to (a), may I know whether this negative answer is the result of any enquiry instituted after the receipt of this question and, if so, what the nature of the enquiry was ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir. We referred the question to the Inspector-General of Police and got a report from him."

Railways

Opening of the Trikannad flag station.

* 9 Q.—Mr. MAHMUD SCHAMNAD: Will the hon. the Member for Finance be pleased to state—

(a) whether the Mukkavas of Trikannad have made representations to the Collector of South Kanara praying that the flag station at Trikannad which was recently closed should be opened ;

(b) whether it is a fact that Trikannad was never a full-fledged station, but was a trial station having all along been in the experimental stage ; and

(c) whether it is a fact that a permanent and a pakka station could not be built there as there was engineering difficulty such as a deep curve gradient, etc. ?

A.—(a) Yes.

(b) Yes.

(c) The Government have no information.

Criminal Justice

Alleged enquiry under section 202, Criminal Procedure Code, on a complaint by one Guntaka Kesava Reddi.

* 10 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Law Member be pleased to state—

(a) whether Mr. K. Ramachandra Rao, Sarishtadar-Magistrate of Markapur, Kurnool district, held an enquiry under section 202, Criminal Procedure Code, on a complaint made by one Guntaka Kesava Reddi ;

(b) whether he left his jurisdiction on a public holiday 12th January 1929 and went to Baddicherla ;

(c) whether he obtained necessary permission to leave the head-quarters ;

(d) whether he took with him the Assistant Superintendent of Police and the Sub-Inspector and constables ;

(e) whether he sat in the karnam's house and sent for one Bhavanam Nagi Reddi ;

(f) what conversation took place between the two ;

(g) whether the Sarishtadar took proceedings against Nagi Reddi for contempt of court and passed sentence of simple imprisonment ;

(h) whether an appeal was filed and the sentence admitted ;

(i) whether the said Nagi Reddi was further ill-treated on the said day 12th January 1929 by being handcuffed, carried in the motor-car of the Assistant Superintendent and put into jail at Markapur ;

(j) whether the said Nagi Reddi filed a petition to the District Magistrate setting forth these matters ; and

(k) what steps were taken thereon ?

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A.—(*a*) Yes.

(*b*) & (*c*) He went to Baddicherla on 12th January 1929; but as the village is within the limits of the Sarishtadar-Magistrate's jurisdiction, permission to leave his headquarters was not necessary.

(*d*) Yes.

(*e*) Yes. As the village chavadi was not fit to be used, the Magistrate held his enquiry on the veranda of the karnam's house close to the chavadi.

(*f*) Nagi Reddi while being examined lost his temper, behaved impertinently and questioned the authority of the Magistrate.

(*g*) Yes.

(*h*) An appeal was filed and the sentence was set aside by the Sub-divisional Magistrate, Markapur.

(*i*) After the sentence was passed, Nagi Reddi was handed over to the police who handcuffed him and took him to the Markapur sub-jail.

(*j*) & (*k*) No petition appears to have been received from Nagi Reddi by the District Magistrate, and there is no record of any such petition being sent in original to or received by the Sub-divisional Magistrate. 11-15 a.m.

Mr. G. HARISARVOTTAMA RAO:—"May I know, Sir, from the hon. the Law Member, with reference to answer to clause (*h*) whether he is aware of the fact that in the judgment of the Subdivisional Officer he says that section 480 does not provide for a sentence of imprisonment and that the sentence was wrong, and that to charge the accused with contempt of court in such circumstances was straining the law too much?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Law Member whether he is aware that the sentence was one of simple imprisonment?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I do not know, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Law Member whether it is legal to handcuff a man sentenced to simple imprisonment for contempt. . . ."

The hon. the PRESIDENT:—"That is asking for opinion."

Diwan Bahadur P. KESAVA PILLAI:—"May I know whether the Sarishtadar-Magistrate has jurisdiction in all this area? Is it not generally the case that he has jurisdiction only in the town where he resides? Have these officers jurisdiction all over the taluk?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Not all over the taluk, but over certain villages over which they have been given jurisdiction."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Law Member what the conversation was that took place between Mr. Nagi Reddi and the Magistrate, in regard to the answer to clause (*f*)? It is merely stated in the answer that he behaved impertinently and questioned the authority of the Magistrate."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The conversation was that this Nagi Reddi said to the Magistrate, 'You have no right to question me, you have no right to try me,' and so on."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether that makes contempt of Court ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" That was what the Magistrate thought. It was thought otherwise by the Subdivisional Magistrate."

Mr. G. HARISARVOTTAMA RAO :—" In regard to the answer to (*j*) and (*k*), may I know from the hon. the Law Member whether he is sure that no representation was made to the District Magistrate ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether he will enquire into the whole matter and see whether the Sarishtadar-Magistrate has not unnecessarily harassed Mr. Nagi Reddi ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" From the information at my disposal, which has been placed before the House in answer to this question, there was no harassment or illtreatment whatever."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. Member, in view of the answers which he gave, whether he will obtain the whole information and find out if there is no very grave miscarriage of justice in this matter ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion, Sir."

Diwan Bahadur P. KESAVA PILLAI :—" Will the hon. the Law Member be pleased to place on the table a copy of the judgment setting aside this conviction ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am not in possession of a copy of the judgment, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. Member will permit me to hand over a copy of the judgment ? "

The hon. the PRESIDENT :—" That is not a supplementary question."

Forests

Grazing facilities in Sennankuppam Setti Kinar Reserve Forest.

* 11 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state with reference to his answer to question No. 1869 answered on 25th March 1929 regarding grazing facilities in the Sennankuppam Setti Kinar Reserve Forest—

(*a*) whether the report called for with reference to clauses (*a*) to (*c*), (*e*) and (*f*) of the question has been received ; and

(*b*) whether it will be placed on the table of this House ?

A.—(*a*) & (*b*) The answers to clauses (*a*) to (*c*), (*e*) and (*f*) of question No. 1869 answered on 25th March 1929 are appended.[a]

[a] Printed as Appendix III on page 100 infra.

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Extension of the Madras Forest Act to estates in this Province.

*12 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Law Member be pleased to state—

(a) the number and names of estates in each district to which the operation of the Madras Forest Act is extended in this Presidency;

(b) the date or dates when each of these estate forests secured the operation of the Act; and

(c) whether in each case such operation was applied for by the proprietor or was extended and continued as a result of the administration of the Court of Wards?

A.—(a) *to* (c) The information asked for is appended.[a]

Sriman BISWANATH DAS Mahasayo:—"Sir, may I know the reason why the extension of the Madras Forest Act to proprietary forests is being effected after the termination of the administration of the Court of Wards of these estates without reference either to the convenience of the ryots or the necessity?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The existing state of affairs was allowed to continue and there was no representation to the contrary."

Honorary Magistrates

Proposed nomination of a lady Honorary Bench Magistrate in Mangalore.

*13 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether recently the Collector of South Kanara made proposals to the Honorary Bench Magistrates of Mangalore to nominate a lady magistrate;

(b) whether the Honorary Bench Magistrates agreed to the same and also suggested names and, if so, what they were;

(c) whether it is a fact that the Collector requested Mrs. P. R. R. Punja, a nominated member of the South Kanara District Board, to agree to be nominated as a Bench Magistrate; and

(d) whether the lady having declined, the Collector is unwilling to nominate any other lady, and has altogether dropped the proposal to nominate a lady; and if so, why?

A.—(a) *to* (d) The Government have no information.

Mr. K. R. KARANT:—"May I ask, Sir, whether the Government have called for the information and whether they will place it on the table after it is received?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I shall consider the suggestion."

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[a] Printed as Appendix IV on page 101 infra.

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Jails

Alleged ill-treatment of Mr. Vellore Kuppuswami Mudaliyar in Madura jail.

* 14 Q.—Mr. T. Adinarayana Chettiyar: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Vellore Kuppuswami Mudaliyar is now confined in the Madura jail;

(b) whether the said Mr. Kuppuswami Mudaliyar asked the Inspector-General of Prisons during his visit to the Madura jail during March 1929 to be transferred to some other jail;

(c) whether Government are aware that the authorities of Madura jail have been treating him with entire severity since then;

(d) whether the jail authorities have stopped the 'saiva' food that had been hitherto given to him;

(e) whether books have been refused to him;

(f) whether it is a fact that the jail authorities had forcibly taken away from him the bedding and books which he had hitherto been allowed to retain; and

(g) whether it is a fact that he has lost in weight considerably since his admission into jail?

A.—(a) & (b) Yes.

(c) Enquiry shows that the implication in this question is unfounded.

(d) The prisoner has been on the standard rice diet since his admission to the jail.

(e) No.

(f) His books have not been taken away; he has been supplied with the ordinary jail bedding.

(g) His weight on admission to the jail was 118 lb., it is now 114 lb. The normal physical equivalent of a man of his stature is 108 lb. The state of his health is reported to be very good.

14-A Q.—Mr. S. Satyamurti: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Vellore Kuppuswami Mudaliyar is confined in a cell both day and night in Madura jail;

(b) whether all light is denied to him after 8 p.m. in the night;

(c) whether his weight has been considerably reduced; and

(d) whether the Government propose to investigate into the complaints and redress them; and if not, why not?

A.—(a) Only during the night is the prisoner locked up in a cell.

(b) He is allowed the use of a light till 9–30 p.m. in accordance with the rules;

(c) The hon. Member is referred to the answer to clause (g) of question No. 14.

(d) Enquiry shows that complaints regarding the treatment of the prisoner are unfounded.

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Mr. T. ADINARAYANA CHETTIYAR :—" With regard to clause (*b*), may I know the grounds on which Mr. Kuppuswami Mudaliyar wanted to be transferred from the Madura Jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Law Member be pleased to ascertain why, if he had been so well treated in the Madura Jail, he should ask for a transfer therefrom ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion."

Mr. A. KALESWARA RAO :—" May I know whether this gentleman was allowed the use of his own bedding and whether it was not taken away afterwards ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Usually the prisoners are not allowed to have bedding of their own. With reference to this particular case, I cannot say."

Mr. S. SATYAMURTI :—" With reference to clause (*a*) of question No. 14-A, may I know if it is a fact that he is not locked up in a cell during day ? "

The hon Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir. He is not locked up."

Mr. S. SATYAMURTI :—" As regards the answer to clause (*c*) of my question which is answered in clause (*g*) of question No. 14, may I know if the Government have ascertained why he has lost weight ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. It is only a loss of four pounds, and the medical authorities are of opinion that a man of his stature ordinarily has a weight of only about 108 pounds, whereas his weight is 114 pounds."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether on holidays he is not locked up during the day in a cell ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not think that there is any special rule with reference to holidays."

Mr. A. KALESWARA RAO :—" May I know whether the hon. Member will make enquiries whether his own bedding was allowed to him but was afterwards taken away, whether he, being a simple imprisonment prisoner, was allowed to get his bedding from his own house and whether it was not taken away after he complained to the Inspector-General of Prisons ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall make enquiries."

Mr. S. SATYAMURTI :—" With reference to answer to clause (*d*) of question No. 14-A, may I know what this enquiry was ? Was it merely an enquiry like the Government asking the Superintendent of the Jail, 'These are the complaints ; are they true ? ', and the Superintendent replying 'No' or something like that, or was any other enquiry made ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Other enquiries were made, Sir. Enquiry was made by the District Magistrate also."

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Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Law Member whether this particular prisoner is allowed all the privileges of social life that are allowed to the simple imprisonment prisoners ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir."

Transfer of Mr. B. Sambamurti to the Bellary jail.

* 15 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. B. Sambamurti has been sent to the Bellary jail from the Rajahmundry jail ;

(b) whether he was made to walk a distance of nearly two miles from the jail during night time and carry his luggage with him on his shoulders ;

(c) the reasons for the said transfer ; and

(d) the reasons for not providing the conveyance for himself or his luggage ?

A.—(a) Yes.

(b) The prisoner was taken on foot from the jail to the Godavari railway station. He carried his bedding, while the other articles belonging to him were carried by the escort constables.

(c) The prisoner was transferred from the Central Jail, Rajahmundry, as his stay in that jail was considered undesirable on administrative grounds.

(d) Under the rules in the Madras Jail Manual, all able-bodied prisoners transferred by road are required to walk but, if the distance is over ten miles and the two places are connected by motor bus service, the prisoners may be taken by bus at the cost of Government. In the present case, the distance that had to be travelled by road was only two miles, and the medical officer did not consider it necessary to recommend the transport of the prisoner to the railway station in a conveyance.

Mr. C. RAMASOMAYAJULU :—" With reference to the answer to clause (c), may I know what are the administrative grounds referred to therein ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It was considered that he was a man of influence and as such there might be trouble if he was kept in that particular jail."

Mr. C. RAMASOMAYAJULU :— " May I know if this ground existed prior to his entry into the Rajahmundry jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Mr. C. RAMASOMAYAJULU :—" May I know, Sir, if this ground came into existence subsequent to his entry into the Rajahmundry jail or was in existence prior thereto also ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know when it came into existence, but it was there when he was in that jail."

Mr. C. RAMASOMAYAJULU :—" Sir, my question is this. I want to know whether the administrative grounds existed by the time he was taken to the Rajahmundry jail, or whether there were any grounds supervening subsequent to his entry into the Rajahmundry jail that necessitated his transfer therefrom ? "

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The administrative grounds can exist only after he entered the Rajahmundry jail."

Mr. C. RAMASOMAYAJULU :—"May I know, Sir, if my hon. friend can say what sort of grounds they are? 'Administrative grounds' is a very vague term, and I want a specific answer to my question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I have answered the question, Sir, i.e., that he was regarded as a man of influence and as such it was thought that if he was kept there, there might be trouble."

Mr. P. C. VENKATAPATHI RAJU :—"Did he become a man of influence only after his entry into the Rajahmundry jail or before that?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I do not know, Sir."

Mr. S. SATYAMURTI :—"May I know what are the administrative inconveniences which the hon. Member considers would have been caused had a gentleman of influence of Mr. Sambamurti's position been allowed to be in the Rajahmundry jail?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I am not in a position to answer the question."

Mr. G. HARISARVOTTAMA RAO :—"May I know if the Superintendent asked for the transfer, and in asking for the transfer whether he made any report, and if so, whether the hon. the Law Member will be pleased to place that report on the table of the House?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Notice, Sir."

Sriman BISWANATH DAS Mahasayo :—"Sir, the hon. the Law Member has just now spoken of trouble. May I know whether he means trouble from outside the jail or trouble from within the jail?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"From within the jail."

Mr. C. RAMASOMAYAJULU :—"May I know with reference to the answer to clause (*d*), whether any distinction is made in the rules in the Jail Manual between the ordinary prisoners guilty of offences involving moral delinquency and political prisoners?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"There is no such distinction in the Jail Manual."

Mr. G. HARISARVOTTAMA RAO :—"May I know whether administratively Mr. Sambamurti is treated as a political prisoner?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"There is no such classification of prisoners in the Madras Jail Manual as political prisoners."

Mr. C. RAMASOMAYAJULU :—"With reference to the answer to clause (*b*), may I know why a distinction is made in this matter, why he was asked to carry his own bedding while the escort constables carried the other articles?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Because the luggage must be taken by somebody. Part of the luggage was taken by him and the other part by the escort constables."

Mr. T. Adinarayana Chettiyar :—" Was there anything in the conduct of Mr. Sambamurti during the time he was in the jail that induced or warranted the Government in thinking that his influence would be administratively dangerous to the Madras Government ? "

The hon. Diwan Bahadur M. Krishnan Nayar .—" Not that I am aware of."

Mr. T. Adinarayana Chettiyar :—" Then what are the reasons that made the Government fear his influence ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" I have given my answer to that question."

Mr. S. Satyamurti :—" May I know why the Government considering the political position of Mr. Sambamurti as a member of the Working Committee of the Indian National Congress has not given him any special treatment in these matters ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" It is for the trying magistrate to place him in the special division, and it is for the prisoner to ask for it. Evidently he did not ask the magistrate for it."

Mr. K. V. R. Swami :—" May I know whether he is now treated as a special prisoner ? "

The hon. the President :—" That has been answered."

State Prisoners

Release of Chettali Beeyumma.

* 16 Q.—Mr. Mahmud Schamnad : Will the hon the Law Member be pleased to state what the Collector's recommendations are on the petition of Chettali Beeyumma submitted to the Government in December last ?

A.—The District Magistrate of South Kanara recommended that, if conditions in Malabar permit, her request for permission to return to Malabar should be granted. The latest report of the District Magistrate of Malabar shows that it is not safe to allow her to return and that her release would have a bad effect on the locality.

Land Records

Introduction of the Record of Rights Bill.

* 17. Q.—Mr. K. R. Karant : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that Government have a Record of Rights Bill ready for introduction into the Council ;

(b) if so, why the Bill has not been published ; and

(c) whether the Government will be pleased to publish it at once so that the Bill may be introduced in the Council at the next sitting ?

A.—(a), (b) & (c) The answer to clause (a) is in the negative. The hon. Member is referred to the answers given to question No. 129 on 5th September 1928 and question No. 903 on 29th November 1928.

Mr. K. R. Karant :—" May I ask, Sir, whether Government have any intention of bringing forward a Record of Rights Bill ? "

The hon. Mr. A. Y. G. Campbell :—" No, Sir."

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Mr. J. A. SALDANHA :—" May I enquire whether the Government after consulting their officers have decided to introduce a Record of Rights Bill ?"

The hon. Mr. A. Y. G. CAMPBELL :—" They have no such intention now."

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, whether there have not been some changes in the Revenue accounts in order to bring in a Bill of this nature, and whether such changes have not been in existence for some time ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice, Sir."

Land Revenue

Rates of seigniorage in South Kanara district.

* 18 Q.—Mr. K. R. KARANT : Will the hon. the Member for Revenue be pleased to lay on the table a statement showing the various rates of seigniorage charged in the different parts of the South Kanara district at present ?

A.—A statement is laid on the table.[a]

Collection of seigniorage in kumki and non-kumki areas in South Kanura.

* 19 Q.—Mr. K. R. KARANT : Will the hon. the Member for Revenue be pleased to state—

(a) whether any and, if so, what seigniorage is being charged for sandalwood and dalchini (cinnamon) plants and trees in kumki and non-kumki areas in South Kanara and what proportion of the former goes to the wargdar ;

(b) from what date or period it is being so charged ;

(c) whether it is a fact that prior to about two years no such fee was being charged in kumki areas ; and

(d) whether Government propose to take steps to stop the collection of such fees in kumkis ?

A.—(a) For the seigniorage rates on sandal and cinnamon trees the hon. Member is referred to the answer given to question No. 18 as to the seigniorage rates charged. When kumki lands are assigned on darkhast to the kumkidar, two-thirds of the value of sandalwood trees containing heartwood is recovered from the assignee, the value of all other trees being foregone.

(b) 1925.

(c) Yes, previous to 1925.

(d) The Government see no reason to adopt the course suggested. Kumki privileges are intended to serve domestic and agricultural purposes whereas the value of sandalwood is purely commercial.

Free assignment of lands to the depressed classes in South Kanara.

* 20 Q.—Mr. A. B. SHETTY : Will the hon. the Member for Revenue be pleased to state whether the Government have come to any decision regarding the question of giving lands free of assessment to the depressed classes in South Kanara till the lands become productive ?

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[a] Printed as Appendix V on pages 102–111 infra.

A.—A report has been received from the Board of Revenue on the subject and is under the consideration of the Government.

Kumki privileges of ryots in South Kanara.

*21 *Q.*—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state whether it is a fact that several holdings of ryots near reserves in South Kanara have no kumki privileges?

A.—The Government have not the information.

Mr. A. B. SHETTY:—"May I know whether the Government cannot get this information?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think that any useful purpose will be served by obtaining the information."

Mr. A. B. SHETTY:—"May I know, Sir, why the hon. Member thinks that no useful purpose will be served by getting this information?" (Laughter.)

Restrictions on the privilege of taking timber from kumki lands.

*22 *Q.*—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there are orders preventing a kumkidar from taking with the permission of Government any timber he requires from kumki for building his house in a different village from the one in which the kumki is situated;

(*b*) whether such restrictions have been recently made and if so, since when, and for what reasons; and

(*c*) whether Government propose to restore the privilege, and if not, why not?

A.—(*a*) The permission of the Collector is necessary. The attention of the hon. Member is invited to the following rule framed under section 26 of the Madras Forest Act:—

(Rule 7-A at page 38 of the Forest Manual—available in the Council Library.)

* * * * *

"The holder of land to which kumki privileges are attached may enjoy in the kumki land free of charge such privileges as he has hitherto enjoyed in the way of grazing cattle, or of cutting, converting, collecting and removing trees, timber and other forest produce, subject to the following conditions:—

(1) That the trees, timber and other forest produce shall be used only for agricultural or domestic purposes *in the village* in which the kumki land is situated, or in such other villages as the Collector may permit in writing. It shall be open to the Collector to decide, either generally or in special cases, what shall be considered agricultural or domestic purposes within the meaning of this rule."

* * * * *

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(*b*) & (*c*) No. The restrictions have been in force since 1896 and were designed to ensure that the trees, timber and other forest produce should be used only for *bona fide* agricultural or domestic purposes.

Restrictions on the privilege of taking timber from kumki lands in South Kanara.

*23 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that ryots in South Kanara are not allowed now to remove timber trees free of seigniorage from their kumki land in one village for their own use in another village;

(*b*) if so, since when this restriction has been put upon the holders of kumki; and

(*c*) whether the Government propose to restore to ryots the rights once enjoyed by them in this matter?

A.—(*a*), (*b*) & (*c*) The attention of the hon. Member is invited to the answer given to question No. 22.

Settlement

Conversion of single-crop into double-crop wet lands in the South Kanara district.

*24 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(*a*) the extent of single-crop wet lands converted into double-crop wet lands in the South Kanara district since the last settlement; and

(*b*) the extent of dry lands converted into wet or garden lands in the South Kanara district since the last settlement?

A.—(*a*) & (*b*) The Government have not the information.

Mr. A. B. SHETTY:—"May I know whether the Government will call for this information?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think, Sir, that some information will be included in the scheme report of the settlement officer and complete information will appear in the settlement report; and in these circumstances it does not seem to be necessary to call for the information earlier."

Staff Selection Board

Number and cost of meetings of the Staff Selection Board.

*25 Q.—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(*a*) the number of meetings held by the Staff Selection Board, the days they sat and the work transacted by them in the past two years;

(*b*) who were the members of the Board during the said period; and

(*c*) what has been the total cost for the meetings of the Board in the same period?

A.—(*a*) A statement giving the information is appended.[a]

(*b*) The Members of the Board were—

In 1927–28.

Officials—

(1) Chief Secretary to Government (Chairman of the Board).

(2) Surgeon-General.

(3) Director of Public Instruction.

Non-officials—

(4) M.R.Ry. Diwan Bahadur W. L. Venkataramayya Garu.

(5) Khan Bahadur Mir Riaz-ud-din Sahib Bahadur.

In 1928–29.

Officials—

(1) Chief Secretary to Government (Chairman of the Board).

(2) Surgeon-General.

(3) Director of Public Instruction.

Non-officials—

(4) M.R.Ry. Diwan Bahadur W. L. Venkataramayya Garu.

(5) Khan Bahadur Mir Riaz-ud-din Sahib Bahadur (died in October 1928).

Muhammad Schamnad Sahib Bahadur, M.L.C. (appointed on 1st November 1928).

(6) M.R.Ry. P. T. Kumaraswami Chetti Garu (appointed on 1st November 1928).

(*c*) Rs. 1,214 in 1927–28.

Rs. 1,004 in 1928–29.

Selection of Sub-Assistant Surgeons by the Staff Selection Board.

* 26 *Q.*—Sriman BISWANATH DAS Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(*a*) the number of Sub-Assistant Surgeons selected by the Staff Selection Board in February last;

(*b*) the number of Oriya Sub-Assistant Surgeons who appeared for the selection; and

(*c*) whether any Oriya candidate or any one having Oriya as his second language has been selected?

A.—(*a*), (*b*) & (*c*) No selection of Sub-Assistant Surgeon has been made by the Staff Selection Board.

Interview of candidates caste-war by the Staff Selection Board.

* 27 *Q.*—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that on the 4th of March 1929 the Staff Selection Board assembled to interview candidates and whether non-Brahman candidates were called first to be examined by the Board and if so, why;

[a] Printed as Appendix VI on pages 111-112 infra.

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(*b*) whether there are any orders issued by the Government to the Staff Selection Board to interview candidates caste-war ; and

(*c*) if not, whether the Government will issue instructions to the Staff Selection Board to stop this practice ?

A.—(*a*) Yes ; presumably as a matter of convenience.

(*b*) No.

(*c*) The Government see no reason to issue such instructions.

Mr. S. SATYAMURTI :—" May I know what is the matter of convenience involved in interviewing candidates caste-war, Brahmans, non-Brahmans and so on ? "

The hon. Mr. A. Y. G. CAMPBELL :—" Under the orders of the Government the Staff Selection Board is asked to submit the names by communities such as Brahmans, non-Brahmans, Muhammadans, etc., separately. It is therefore for convenience, as they have to compare one Brahman with another Brahman, one non-Brahman with another non-Brahman and so on, that the staff Selection Board interview together candidates of each different class."

Mr. S. SATYAMURTI :—" May I know then why the non-Brahmans are called first ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think there is any particular reason for their doing so."

Diwan Bahadur P. KESAVA PILLAI :—" Is the hon. the Revenue Member aware that Brahmans stand first in the social scale ? "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the comparison spoken of by the hon. the Revenue Member does not take place as between Brahmans and non-Brahmans and other classes of applicants "

The hon. Mr. A. Y. G. CAMPBELL :—" The Staff Selection Board compare Brahman with Brahman, non-Brahman with non-Brahman, etc."

Diwan Bahadur P. KESAVA PILLAI :—" I want to know if the hon. Member is aware that the Brahman stands at the top in society, and why he should not be called first."

Mr. S. SATYAMURTI :—" Your seat is safe."

Diwan Bahadur P. KESAVA PILLAI :—" I put a question simply as I want information, Sir." (Laughter.)

The hon. the PRESIDENT :—" No explanation for a supplementary question is permissible."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" With reference to the answer to clause (*c*), will the Government be pleased to issue instructions to call the non-Brahmans first as they form the majority of the population ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The Government do not see any reason to interfere with the discretion of the Staff Selection Board in this matter."

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Survey

Record of duplicate copies of record-of-rights in the land register in the Central Survey Office.

* 28 Q.—Sriman BISWANATH DAS Mahasayo: With reference to G.O. No. 1440, Revenue, dated 8th August 1922, regarding the keeping of duplicate copies of record-of-rights in the land register in the Central Survey Office in cases of estates surveyed at the instance of the landholders, will the hon. the Member for Revenue be pleased to state—

(a) whether the said land register is kept in the office of the District Collector for grant of copies to the public as laid down in (c) of the said Government Order, and if not, why not; and

(b) whether the Government would be pleased to order the Central Survey Office to grant a copy of such plans whenever required by a ryot?

A.—(a) & (b) Under the orders issued in G.O. No. 1440, Revenue, dated 8th August 1922, a duplicate copy of the land register should be kept in the Central Survey Office and not in the office of the District Collector. Copies of maps and copies of extracts from the land register can be obtained from the Central Survey Office on application to the Director of Survey.

11-30 a.m. Sriman BISWANATH DAS Mahasayo:—"Sir, the answer to the question is that the land register is being kept in the Central Survey Office and not in the office of the District Collector. May I know whether Government have considered the question of expense and convenience of the proprietary ryots in obtaining copies of these documents?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will consider the suggestion of the hon. Member as now made."

Sriman BISWANATH DAS Mahasayo:—"May I know whether he would be pleased to lay on the table of the House the result of the consideration of this question?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will consider it, Sir."

Education

Delay in the payment of grants to aided and recognized schools inspected for grant in 1927–28.

* 29 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of aided and recognized schools inspected for grant in 1927–28 but not paid even after the close of 1928–29; and

(b) the circumstances under which such delays were made?

A.—(a) & (b) It is presumed that the hon. Member refers to the Ganjam district. The Government have no information but have called for it.

Action taken on the memorial by the teacher-managers of the South Kanara district.

* 30 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state what action has been taken or is proposed to be taken on the various points raised in the memorial presented to him by the teacher-managers of the South Kanara district, during his visit to the district?

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A.—Orders have been passed in G.O. No. 647, Law (Education), dated 5th April 1929, copy of which is placed on the table.[a]

Appointment of a committee to report on secondary education for girls.

*31 Q.—Mr. C. Ramasomayajulu: Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to the answer given to question No. 1538 on 28th February 1929 relating to the appointment of a committee to consider and report on the question of secondary education for girls—

(a) whether the question has been considered by the Government and whether they have arrived at any decision thereon; and

(b) if so, whether they will be pleased to place the decision on the Council table?

A.—The hon. Member's attention is invited to G.O. No. 578, Education, dated 23rd March 1929, which has been placed on the Editors' Table. The Government do not propose to appoint a committee at present.

Introduction of rural primary education in Saidapet taluk.

*32 Q.—Mr. A. Ranganatha Mudaliyar: With reference to the answer to question No. 1611, answered on 2nd March 1929, will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have since received the information called for regarding the introduction of rural primary education in Saidapet taluk; and

(b) if so, whether they will place it on the Council table?

A.—(a) Yes.

(b) The information furnished by the President, Taluk Board, Saidapet, is placed on the table.[b]

Revision of the Grant-in-Aid Code.

*33 Q.—Mr. S. Satyamurti: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) when he proposes to amend the Grant-in-Aid Code; and

(b) the reasons for the delay?

A.—(a) & (b) The question of the revision of the Grant-in-Aid Code is under consideration in consultation with the Finance Department and orders will be issued as early as possible.

Revision of the Grant-in-Aid Code

*34 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether any final conclusions have been arrived at regarding the revision of the Grant-in-Aid Code?

A.—The matter is being considered in consultation with the Finance Department.

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[a] Printed as Appendix VII on pages 113–114 infra.
[b] Printed as Appendix VIII on pages 114–115 infra.

Mr. S. SATYAMURTI :—" May I know how long this question of the revision of the Grant-in-Aid Code has been under the consideration of the hon. the Minister?"

The hon. Dr. P. SUBBARAYAN :—" For the last two and a half years."

Mr. S. SATYAMURTI :—" May I know, Sir, the reason for this delay of two years and a half to revise the Grant-in-Aid Code?"

The hon. Dr. P. SUBBARAYAN :—" It is a complicated question requiring detailed consideration."

Mr. S. SATYAMURTI : —" May I know, Sir, when he expects to be in a position to issue orders? The wording 'as early as possible' in the answer does not convey any idea of time."

The hon. Dr. P. SUBBARAYAN :—" I cannot say when the revised Code will be ready."

Mr. A. KALESWARA RAO :—" May I know, Sir, whether it will be revised before the end of this Council?"

The hon. the PRESIDENT :—" It has been answered."

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, if this question is complicated owing to its connexion with the amendment of the Elementary Education Bill?"

The hon. Dr. P. SUBBARAYAN :—" No, Sir. It has no connexion with the Elementary Education Bill."

Proposed reduction of grants for the purchase of scientific appliances.

*35 *Q.*—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government have come to any decision regarding the proposed reduction of grants for the purchase of scientific appliances from two-thirds to half;

(*b*) what are the replies received by the Director of Public Instruction on the matter from the headmasters of schools; and

(*c*) how the Government propose to utilize the savings effected?

A.—(*a*), (*b*) & (*c*) The Government have decided that the system of giving grants equal to two-thirds of the cost of buildings and equipment required for the teaching of scientific subjects might continue for the present.

Mr. S. SATYAMURTI :—" May I know what the phrase 'for the present' in the answer means? Does the Government propose to reconsider the question? If so, when?"

The hon. Dr. P. SUBBARAYAN :—" I cannot give any undertaking on this question?"

Mr. S. SATYAMURTI :—" I am asking, Sir, for an explanation of the phrase 'for the present'. I am also asking whether Government have adjourned the consideration of the question *sine die*, or when they propose to consider the question."

The hon. Dr. P. SUBBARAYAN :—" I think my hon. Friend is as much an expert in English as anybody else, and he should know the meaning."

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Mr. S. SATYAMURTI :—" I am not the Minister, Sir ; I am not the author of this phrase. I am asking the meaning of the phrase which he should know better."

The hon. the PRESIDENT :—" This is not the time for it. The hon. Member may put his supplementary question."

Mr. S. SATYAMURTI :—" I am asking the question by putting counter-arguments."

Local Boards

Fixing of polling stations for taluk board elections.

* 36 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to his answer to question No. 1847 answered on 25th March 1929 regarding number of polling stations in Bellary and Adoni taluk boards, whether the Government have issued instructions that each Revenue Inspector's firka should be a circle for election of members to a taluk board ?

A.—No.

Mr. R. NAGAN GOWDA :—" May I know whether any orders have been issued regarding the number of villages, the area of the taluk, etc., comprising the circle, in fixing polling stations ? "

The hon. Dr. P. SUBBARAYAN :—" It is a matter within the discretion of the District Board."

Nominations to the South Arcot District Board.

* 37 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether there are now any Muslim members on the District Board of South Arcot, and, if so, when they were respectively appointed ;

(b) who the member was that was appointed in October 1928 in the place vacated by a Muslim member ;

(c) the number of vacancies with dates that subsequently happened in the membership of the Board ; and

(d) the names of those that were appointed to each vacancy as it arose ?

A.—(a) Yes, two elected members, whose membership has effect from the 12th June 1928.
(b) M.R.Ry. P. K. Ramachandra Padayachi Avargal, M.L.C.
(c) Two ; one on the 29th September 1928 and the other on the 23rd February 1929.
(d) M.R.Ry. A. T. Muthukomaraswami Chettiyar Avargal and M.R.Ry. A. Upendra Pai Avargal, respectively.

Nomination of the District Board President, Malabar.

* 38 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state why he resorted to nomination in the case of presidentship of the District Board of Malabar when the District Board had asked for the right of electing its own president ?

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A.—In February 1926 the Local and Municipal and Public Health Advisory Committees, jointly and by a large majority, recommended that the President of the Malabar District Board should be nominated by Government, who have followed this recommendation. Since this recommendation was made, the District Board has never repeated its request that the Presidentship should be thrown open to election.

Mr. S. SATYAMURTI :—" May I know with regard to the second part of the answer beginning with ' since this recommendation was made,' whether it refers to the recommendation of the Local and Municipal and Public Health Committees, or to the date when the recommendation was accepted by the Government and the nomination was made ? "

The hon. Dr. P. SUBBARAYAN :—" It refers to the date when the recommendation was made by the Local and Municipal Advisory Committee."

Mr. S. SATYAMURTI :—" May I know whether the District Board was consulted after the recommendation was made, or whether they still persisted in their request that the presidentship need not be thrown open to election ? "

The hon. Dr. P. SUBBARAYAN :—" Notice, Sir."

Mr. K. MADHAVAN NAYAR :—" Is the hon. Minister aware that there was a very strong feeling in Malabar that the District Board Presidentship should be thrown open to election ? "

The hon. Dr. P. SUBBARAYAN :—" I believe there was some feeling. On the whole, it was not very strong."

Mr. K. MADHAVAN NAYAR :—" May I know whether the hon. the Chief Minister can quote any instance of any public meeting or any organs of the press which wanted the nomination of the District Board Presidentship ? "

The hon. Dr. P. SUBBARAYAN :—" Quite a number of telegrams was received from representatives of minority communities."

Mr. K. MADHAVAN NAYAR :—" May I know whether he is aware of any public meeting—he might have received telegrams from a number of sycophants or dependents of particular individuals—in which a request was made that the District Board Presidentship should not be thrown open to election ? "

The hon. Dr. P. SUBBARAYAN :—" Public meeting does not connote very much."

Mr. K. R. KARANT :—" May I know whether before the date of this nomination the hon. the Chief Minister had not accepted in the Conference that was held in connexion with the revision of the Local Boards Bill that all Presidents' posts should be thrown open to election ? "

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Minister publish the names of parties or bodies that sent those telegrams that the place ought to be filled by nomination ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think any useful purpose will be served by the publication of those names."

Mr. K. MADHAVAN NAYAR :—" May I know if it is not a fact that the Malabar Members of this House had an interview with the hon. the Minister and requested him to throw open the Presidentship to election ? "

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The hon. Dr. P. SUBBARAYAN :—" That is so."

Mr. K. MADHAVAN NAYAR :—" May I know, Sir, what were the reasons that induced the Chief Minister not to accept the suggestion to nominate the previous President ? "

The hon. Dr. P. SUBBARAYAN :—" Because the Government thought it necessary to have a Muhammadan District Board President."

Mr. K. MADHAVAN NAYAR :—" May I know, Sir, why Malabar alone of all districts, though it is one of the most advanced districts in the Presidency, should suffer the penalty of having a nominated President ? "

The hon. Dr. P. SUBBARAYAN :—" Malabar is a district where a large part of the population belongs to the Mussalman community."

Mr. S. SATYAMURTI :—" May I know if it is the policy of the Government to reserve certain District Board Presidentships for nomination of Mussalmans ? "

Mr. K. MADHAVAN NAYAR :—" May I know if many Muhammadans in Malabar and one Muhammadan Member of this Council particularly did not ask the Chief Minister to throw it open to election ? "

The hon. Dr. P. SUBBARAYAN :—" But there are other Mussalmans in Malabar who did not want it."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. Chief Minister whether he is satisfied that the particular Muhammadan gentleman had no chance of coming through election ? "

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. Chief Minister whether he has made it a policy of his administration to attach no value to public meetings, in view of the answer he gave ? "

The hon. Dr. P. SUBBARAYAN :—" The value that is necessary will be attached."

Religious and Charitable Endowments

Elections to the temple committees in North Arcot district.

* 39 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to his answer to question No. 1868 answered on 25th March 1929 regarding elections to the Temple Committee, North Arcot district—

(a) whether the Government have issued instructions to the temple committees to arrange for the preparation of voters' list so that elections may be held before the expiry of their term of office ;

(b) whether such instructions were issued to the North Arcot Temple Committee ;

(c) when the term of office of the present committee expires ;

(d) whether Government have enquired as to whether the preliminaries for election have been prepared by the present committee ; and

(e) if not, whether the Government will now enquire and arrange for elections ?

A.—(a) This is done by the Hindu Religious Endowments Board.

(b) Yes, by the Hindu Religious Endowments Board.

(c) The 20th August 1929.

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(*d*) & (*e*) The electoral roll of the area which was within the jurisdiction of the old Tiruvettipuram Temple Committee is ready, but the preparation of the roll for the remaining portion of the area was delayed for want of funds. The Hindu Religious Endowments Board, however, reported recently that the Committee would in any case be unable to bear the cost of an election and it has accordingly been decided to nominate members to the Committee for another year.

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Chief Minister consider the possibility of abolishing these committees instead of depriving the people of their statutory right of electing these committees ? "

The hon. Dr. P. SUBBARAYAN :—" No, Sir."

Mr. S. SATYAMURTI :—" May I know if it is the policy of Government in every case in which the committee says it cannot bear the cost of an election, to postpone the election and go on nominating ?"

The hon. Dr. P. SUBBARAYAN :—" The whole question is under consideration."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know for how many years this postponement of elections can take place, in view of the Chief Minister's answer ? "

The hon. Dr. P. SUBBARAYAN :—" I cannot say."

Appointment of the Commissioners of the Hindu Religious Endowments Board.

* 40 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) the date of appointment of each of the five Commissioners of the Hindu Religious Endowments Board ;

(*b*) the date on which the appointment of each of the Commissioners terminates ; and

(*c*) whether any complaints have been received against any of these Commissioners ?

A.—(*a*) & (*b*) The dates of appointment of the Commissioners and the dates on which their appointments terminate are—

Name of Commissioner.	Date of appointment.	Date on which the appointment terminates.
M.R.Ry. Surya Rao Garu	7th April 1925.	7th April 1930.
" E. S. Chidambaram Pillai Avargal.	7th April 1925.	7th April 1930.
" Rao Bahadur M. Chengayya Pantulu Garu.	7th April 1925.	7th April 1930.
" P. V. Nataraja Mudaliyar Avargal.	7th April 1925.	7th April 1930.
" Diwan Bahadur C. V. Ranga Reddi Garu.	30th April 1928.	30th April 1933.

(*c*) No.

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Nomination of members of Bunt community to temple committees in South Kanara.

*41 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of the various temple committees belonging to different communities in existence under the old Act in South Kanara, when they were abolished in 1927–28 and two new committees were appointed;

(b) whether it is a fact that out of a total of such 98 committees only six were of the Bunt community;

(c) the number of members in each of the two new committees referred to above, the communities represented therein and their strength;

(d) whether it is a fact that out of the 12 members in the single amalgamated committee recently appointed, as many as six are of the Bunt community to which Mr. A. B. Shetty, M.L.C., belongs; and

(e) on what basis six members of the Bunt community have been nominated and why no representation whatever has been given to the various non-Brahman communities which had as many as 39 out of 98 committees under the old Act?

A.—(a) In 1927 there were 98 temple committees in South Kanara district constituted under the old Act XX of 1863, as indicated below:—

Desyastha	3	Jadara	1
Carnataka	4	Balegar	3
Shivalli	5	Kanakapillai	1
Kota Brahman	5	Baryar	1
Koteshwar	2	Kaveri Konkanasta	2
Saraswat	5	Dravida	1
Goud Saraswat	4	Chittapavana	2
Konkani	5	Nada Brahman	1
Stanika	5	Ganda	1
Mogar	3	Ganiga	1
Billawar	5	Bovi	1
Bunt	5	Gouda	1
Jogi	3	Devadya	1
Jangama	4	Nadavara	1
Havik Brahman	5	Sherugar	1
Aksala	3	Siva Bhakta	1
Nambidi	1	Kandavar	1
Nambudri	1	Nagapuri	1
Padia	1	Panchaprama	1
Nayar	1	Sakalaspur Havik Brahman	1
Ballala	2		
Kolari	1	Gasayi	1

(b) Five of these committees belonged to the Bunt community.

(*c*) The strength of the two committees constituted in **1927** was nine each as indicated below :—

	Mangalore Circle Temple Committee.	Udipi Circle Temple Committee.
Shivalli	2	2
Bunt	2	4
Gowda Saraswat	1	1
Saraswat	1	1
Kota	1	1
Nayar	1	...
Havik	1	...

(*d*) Yes.

(*e*) The nominations to the committee were made, with one exception, on the recommendation of the Hindu Religious Endowments Board, who took into account the claims of the various communities.

Mr. K. R. KARANT :—" With reference to the answer to clause (*b*) of the question, may I know whether the hon. Minister had reasons for overruling the claims of the various non-Brahman communities which had as many as 39 out of 98 committees in the past ? "

The hon. Dr. P. SUBBARAYAN :—" The object was to give due representation to all communities."

Mr. N. SIVA RAJ :—" May I know whether the members of the community to which the hon. Member Mr. Karant belongs have been represented ?"

The hon. Dr. P. SUBRARAYAN :—" I hope there are as many as four."

Mr. N. SIVA RAJ :—" May I know, Sir, whether having regard to the number representing the Bunt community, others have been duly represented ? "

The hon. Dr. P. SUBBARAYAN :—" I think that is an influential community deserving of so much representation. "

Mr. J. A. SALDANHA :—" With reference to the answer to clause (*e*), will the hon. the Minister give the name of the gentleman, who is the one exception ? "

The hon. Dr. P. SUBBARARAN :—" No, Sir."

Deficiency in the cost of the administration of the Hindu Religious Endowments.

* 42 *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have decided to make good the deficiency in the cost of the administration of the Hindu Religious Endowments in the Presidency ?

A.—The hon. Member is apparently referring to the question of waiving recovery of the advances made to the Hindu Religious Endowments Board. No decision has yet been arrived at in the matter.

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Mr. S. SATYAMURTI :—" May I know why the Government have not arrived at any decision in the matter ? "

The hon. Dr. P. SUBBARAYAN :—" Because it is a complicated problem."

Mr. S. SATYAMURTI :—" May I know, Sir, when the Government will be in a position to decide this question ? "

The hon. Dr. P. SUBBARAYAN :—" I cannot say exactly."

Public Health

Prevention of leprosy in Ganjam district.

* 43 *Q.*—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether the district of Ganjam has proportionately the highest number of lepers in the Presidency;

(*b*) whether the Government have collected any statistics on this subject;

(*c*) if so, whether they will place them on the table;

(*d*) whether any remedial measures have been projected or contemplated by them;

(*e*) whether they have called for any reports from the District Medical Officer and District Health Officer, Ganjam, on this question; and

(*f*) if so, whether they will place them on the table ?

A.—(*a*) No.

(*b*) & (*c*) The attention of the hon. Member is invited to the census Table XII—Part II, Volume XIII.

(*d*) Seventeen centres for the treatment of leper out-patients have been opened in seventeen hospitals and dispensaries in the Ganjam district.

(*e*) & (*f*) No.

Control over rural medical practitioners by local board presidents.

* 44 *Q.*—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether the medical officers under the rural medical schemes are regarded by the Government as officials or non-officials; and

(*b*) what are the powers that the presidents of taluk and district boards have on such practitioners ?

A.—(*a*) As non-officials.

(*b*) Rural medical practitioners work under an agreement with the taluk boards. Presidents of Taluk Boards have to watch that the terms of the agreement are not infringed by the practitioners, while the taluk boards can terminate the agreement at any time without notice in the event of any breach of the agreement by the practitioners. Presidents of District Boards have no control over them.

Management of the Tirumani Leper Settlement.

*45 *Q.*—Mr. J. A. Saldanha: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether the conditions and terms of the agreement on which the Tirumani Leper Settlement is to be managed have been fulfilled since it was founded;

(*b*) whether the Government are satisfied with the management;

(*c*) what are the various heads for which the allotment of Rs. 1,30,000 has been made for the Settlement in the Budget for 1929-30 and why it has been increased;

(*d*) what is the average number of patients expected to be treated in the Settlement in 1929-30 on the basis of which the said allotment has been made; and

(*e*) what is the estimated cost per patient?

A.—(*a*) & (*b*) Yes.

(*c*) The details for the contribution of Rs. 1,30,000 are—

	RS.
(1) Staff—	
Pay of European Doctor	6,900
Do. do. Matron	4,500
Do. do. Nurse	3,900
Do. Subordinate medical, clerical and menial staff	12,570
Diet contingencies and medicine—	
Fifty Anglo-Indian patients at Rs. 22½ per patient per mensem	13,500
Four hundred and fifty Indian patients at Rs. 13-4-0 per patient per mensem ...	71,550
Twenty-five children over 8 years at Rs. 9 per child per mensem	2,700
Twenty-five children under 8 years at Rs. 6.	1,800
Equipment, industries and annual repairs ...	12,575
Total ...	1,29,995

or Rs. 1,30,000 roundly.

The increase is due to the provision made for the treatment of ten additional Indian patients in 1929-30 and also for the increased provision made under equipment, industries, etc.

(*d*) & (*e*) Provision is made for the treatment of 550 patients in 1929-30 and the cost per patient in 1929-30 works out to Rs. 19·7 per mensem.

Agriculture

Alleged delay in sending pumping engines to ryots.

*46 *Q.*—Mr. C. N. Muthuranga Mudaliyar: Will the hon. the Minister for Development be pleased to state—

(*a*) whether the Government are aware that inordinate delay is generally caused by the Agricultural Engineering department in sending pumping engines to ryots who want the same urgently; and

(*b*) whether the Government propose to take steps to minimize such delay?

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A.—(*a*) & (*b*) A few cases of delay in the Industrial Engineering department have been brought to notice and necessary instructions have been issued to the Director of Industries to minimize such delays in future.

Mr. C. N. MUTHURANGA MUDALIYAR :—"Will the hon. the Minister order the purchase of more pumping engines in order to minimize the delay ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"The Government will consider the question, Sir."

Previous experience and qualifications of Mr. Iyakannu Achari, Assistant Agricultural Engineer.

*47 *Q.*—Mr. C. N. MUTHURANGA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(*a*) the qualifications of Mr. Iyakannu Achari, the present Assistant Agricultural Engineer, and how long he has been in the present office ; and

(*b*) the previous experience of Mr. Iyakannu Achari in the line in which he is working ?

A.—(*a*) & (*b*) The attention of the hon. Member is invited to the answer given to clause (*e*) of question No. 990 on 31st October 1927. Mr. Iyakannu Achari has been Assistant Industrial Engineer, Madras, since April 1924.

Co-operative Societies

Appointment of History graduates as Assistant Registrars.

*48 *Q.*—Mr. BASHEER AHMED SAYEED : Will the hon. the Minister for Development be pleased to state whether it is not a fact that there are Assistant Registrars in the Co-operative Department who are not graduates in Economics and History ?

A.—The answer is in the affirmative, but most of these men were promoted from the inspectorate in view of their long service and experience in the Co-operative Department.

Appointment of Muslims in the Co-operative Department.

*49 *Q.*—Mr. BASHEER AHMED SAYEED : Will the hon. the Minister for Development be pleased to state whether there is any proposal with the Minister to appoint more Muslims in the several cadres of the Co-operative Department in view of the new appointments sanctioned by the Government ?

A.—The Government will consider duly the claims of suitable Muhammadan candidates if they offer themselves for appointment.

Representation of Muslims in the Co-operative Department.

*50 *Q.*—Mr. BASHEER AHMED SAYEED : Will the hon. the Minister for Development be pleased to state—

(*a*) whether there is any special reason why there is only one Muslim in the cadre of Deputy Registrars of the Co-operative Department out of a total number of 19 ; and

(*b*) why there is only one Muslim Assistant Registrar out of a total of 32 ?

A.—(*a*) & (*b*) No ; the number of sanctioned posts in the cadre of Deputy Registrars is, however, only 13.

I—*cont.*

NEW MEMBERS—*cont*,

The undermentioned new Member made the prescribed oath or affirmation of allegiance to the Crown and took his seat :—

Mr. MUHAMMAD MEERAN SAHIB.

IV

PANEL OF CHAIRMEN.

* The hon. the PRESIDENT :—"I have to announce to the House that under rule 3 of the Madras Legislative Council Rules, I have nominated the following four Members of the Council to be a Panel of Chairmen for this session :—

Mr. J. A. Saldanha.

Mr. T. C. Srinivasa Ayyangar.

Rao Bahadur B. Muniswami Nayudu.

Khan Bahadur P. Khalif-ul-lah Sahib Bahadur."

V

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

* The hon. the PRESIDENT :—"I have to announce that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor-General on the dates noted against each :—

The Andhra University (Amendment) Act, 1929	5th April 1929
The Andhra University (Amendment) Act, 1929	5th April 1929
The Madras Hindu Religious Endowments (Amendment) Act, 1929 ...	13th May 1929
The Madras Port Trust (Amendment) Act, 1928	25th June 1929"

VI

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

* The hon. the PRESIDENT :—"I have to announce that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor on the dates noted against each :—

The Madras Hindu Religious Endowments (Amendment) Act, 1929 ...	12th April 1929
The Madras Medical Registration (Amendment) Act, 1929	28th May 1929
The Madras Port Trust (Amendment) Act, 1929	28th May 1929
The Mirzapuram and Pedaganur Impartible Estates Act, 1929	8th June 1929
The Ellamarru and Penjendra Impartible Estates Act, 1929...	8th June 1929"

VII

ADJOURNMENT MOTION *re* GOVERNMENT SANCTION TO PROSECUTE MR. M. ANNAPURNAYYA.

Mr. P. ANJANEYULU :—" Mr. President, I move—

> '*that the business of this House do stand adjourned to discuss a definite matter of urgent, public importance, to wit, the recent action of the Government in granting sanction to prosecute Mr. M. Annapurnayya (Editor of the 'Congress') under sections 124-A and 153, Indian Penal Code.*' "

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. the PRESIDENT :—" Before I decide whether it is in order or not, has any hon. Member any objection to raise, regarding the question of order ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the merits, we have no objection. On the question of order, it is a matter *sub judice*, as the case is now actually before a Magistrate."

* The hon. the PRESIDENT :—" Here it is proposed to discuss only the sanction granted by the Government."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Anyhow, the sanction forms one of the series of acts or trasanctions which ultimately constitute the matter for prosecution. How can one act which forms a link in the prosecution be separated from the other links which form the chain of the prosecution ? In fact, the whole prosecution is based upon the sanction. The sanction, the evidence, all these things together constitute the prosecution. It seems to me that this is very clearly a case *sub judice* ".

* The hon. the PRESIDENT :—" Here the question is to discuss the sanction given by the Government. The rule states 'any matter which is under adjudication by a court of law.' The speeches made by Mr. Annapurnayya are the matter that are under the consideration of the Magistrate—whether they constitute sedition under section 124-A. But here the question is to discuss the conduct of the Government in setting the law in motion. Of course no Member will be at liberty to comment on the speeches because they are *sub judice*. They will not be discussed or proposed to be discussed here." 11-45 a.m.

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I respectfully submit that it is not so, because the wording is 'any matter which is under adjudication by a court of law'."

* The hon. the PRESIDENT :—" The matter for the consideration of the Magistrate is the speeches made by Mr Annapurnayya."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I submit, no ; because it is open to the accused to take exception to the validity of the sanction itself. You know, Sir, that very often in cases of sedition, the accused takes objection on the ground that no valid sanction has been granted."

* The hon. the PRESIDENT :—" If the hon. Member says that it is one of the contentions of the accused, that question of the validity of the sanction also cannot be discussed."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"We do not know what plea the accused is taking. It is quite open to the accused to take exception to the validity of the sanction. And very often the accused do take exceptions to sanctions. It is really the question of sanction and everything connected with it that is the matter for adjudication before the court of law. We are not in possession of the records of the case. We do not know what plea the accused has taken. It is open to the accused to take all possible objections to the prosecution, and I believe he will take objection to the validity of the sanction ; but I am not in possession of the records."

* The hon. the PRESIDENT :—"The rule contemplates that the Speaker should proceed on the basis that it is a matter under adjudication if any Member of Government states that the matter is under adjudication. Here, if a statement is made on behalf of the Government that this matter is under adjudication, I will accept it."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"As a matter of fact, the judgment, whatever form it may ultimately take, will have to be basede on the sanction. That is the basis on which the prosecution rests ; if that basis is taken away, the whole prosecution fails. So, clearly it is a matter that forms part of the prosecution, that is, it forms a matter for adjudication in a court of law. I go further and submit that, supposing for argument's sake, the accused does not raise the plea of validity of sanction, the court is bound to consider the validity of the sanction. Unless the court is satisfied that there is a valid sanction, the court cannot proceed."

* The hon. the PRESIDENT :—"But here it is the propriety and not the validity of the sanction given by Government that the Opposition want to discuss."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"How can the propriety of sanction be separated from its validity? All these facts have necessarily to be taken into consideration in deciding upon the validity or otherwise of the sanction. You cannot separate the propriety of the sanction, as it may be called, from the validity of the sanction, or the question of sanction altogether from the merits of the case. I submit they all hang together."

* The hon. the PRESIDENT :—"If you consider the propriety of the sanction, it is a political issue, whereas if you consider the validity of the sanction, it is a legal issue."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Even that distinction cannot be made, because in sedition cases, the legal aspect of the sanction and the political aspect of the sanction cannot be dissociated, one from the other. (Mr. G. Harisarvottama Rao : 'The cat is out of the bag.') Sedition cases are always based on politics. The Government authorizes sanction for prosecution in cases of sedition only on political considerations. It seems to me, subject to whatever ruling you may give, that this is clearly a matter for adjudication in a court of law. I have no doubt personally in my mind about it."

* Mr. R. SRINIVASA AYYANGAR :—"Sir, there is some confusion in the mind of the hon. the Law Member. It has been conceded on all hands, and also decided by the Madras High Court and there is a decision of Sir

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V. Bashyam Ayyangar to that effect, that it is not open to a trying court to enquire into the propriety or otherwise of the sanction that has been granted by a competent authority. Therefore that disposes of the question. If it is a question whether the order which purports to be sanction is forgery or not, that is quite another matter. Whether the Cabinet actually met, whether certain formalities required by law as a condition precedent to the granting of sanction have been gone through, that would be a different matter. Here, this clause (iii) does not deal with any possibilities or conjectures, but deals with 'any matter which is under adjudication by a court of law.' You, Mr. President, can ask the Law Member whether he is in a position to state as to whether the propriety or otherwise of the sanction is under adjudication or something else is being disputed. He says he is not in a position to answer the question. So far as (iii) is concerned the objection must be specific, and the hon. the Law Member must be in a position to state that his objection is founded upon a controversy that has been actually raised before the court and which is awaiting its consideration and not any controversy which may or may not be raised and which even if raised may not be pursued. As I began, I end by saying that the question of propriety or otherwise of the sanction cannot be gone into by a trying court and this House alone can consider it. The objection of the hon. the Law Member therefore fails."

* The hon. the PRESIDENT :—"In discussing the matter whether the Government has properly accorded sanction, reference to the speeches made by Mr. Annapurnayya may be necessary. And the speeches made by Mr. Annapurnayya are the subject matter of the trial. I am not able to understand how any discussion can proceed without any reference to it. You propose to examine the question of the propriety of the sanction accorded. The propriety of the sanction accorded has to be justified on behalf of the Government by reference to the speeches made by Mr. Annapurnayya, and a discussion on the speeches cannot be allowed—I think that is admitted."

Mr. P. C. VENKATAPATHI RAJU :—"Instead of going into the merits of the individual speeches of Mr. Annapurnayya, the House may discuss the present policy of the Government in launching prosecutions against political activities, and especially the particular matter in which Mr. Annapurnayya is concerned."

* The hon. the PRESIDENT :—"The question of policy cannot be the matter of an adjournment motion. It must be a matter of recent occurrence, it must be a recent event. The policy adopted by Government cannot be said to be a recent event."

Mr. C. RAMASOMAYAJULU :—"I submit that some attention may be paid to the wording of the motion. It refers to the recent action of the Government in sanctioning the prosecution of Mr. Annapurnayya. It refers to a particular policy."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Now, apart from the political aspect, suppose he has made a seditious speech, then the Government will be perfectly justified in granting sanction. If, on the other hand, he has made a speech which is free from sedition, then the Government will be wrong in granting sanction. So, it really depends on this, namely, whether he has made a seditious speech or not. Thus, this action, namely, the action of granting sanction cannot, I submit, be discussed, without a reference to the speech or speeches for which sanction has been granted ; and

the speech or speeches form really, along with other matters, the subject-matter which the Magistrate has to discuss and dispose of. I submit therefore that the question of granting sanction alone cannot be considered in the abstract. It is impossible to consider that aspect without a consideration of the merits of the speeches, and of course the merits of the speeches are before the court."

* Mr. S. SATYAMURTI :—" May I submit that the last few words of the hon. the Law Member conclude the matter? The question before the House which we want to raise by this motion is not whether the speech is seditious or not. That is certainly *sub judice*. The hon. the Law Member has wholly misconceived the position of the Government, if I may respectfully say so. In the matter of granting sanction, it is not as if in every case where a person makes a speech, which according to the opinion of their legal advisers is seditious, they grant sanction. The Government have got the discretion under the Criminal Procedure Code either to grant or not to grant sanction in cases of speeches which are seditious according to their legal advisers. There is no possibility of Government granting sanction in a case where the speech is not seditious. That is out of the question. But in cases where the Government are advised by their legal advisers that the speeches are seditious, there is no duty cast on the Government to grant sanction. The Government either may or may not grant sanction. The only question we want to raise is to discuss on the floor of the House the propriety and expediency of the sanction given by this Government, and the policy of the Government in so far as it is illustrated by this one event, that is to say, the prosecuting of a prominent Congress worker for alleged seditious speeches. Otherwise—if the hon. the Law Member's contention was correct, namely, that the Government grant sanction only in the case of seditious speeches and does not grant sanction in the case of non-seditious speeches—the trial becomes a farce; because Government have not the means or the power to judge finally on this question of the seditious or innocent character of the speeches. They are only the executive authority setting the machinery of the courts in motion; and the only point we want to discuss is the question whether the Government were right, for political reasons, on political considerations and on political considerations only, in thus prosecuting a Congress worker. I submit, Mr. President, in the words of the rule governing resolutions, this is not a matter which is pending adjudication before a court of law. The validity of the sanction can be questioned only on one of the three grounds. You know, as every lawyer knows, that the question can be raised whether there was a meeting of the Cabinet or whether the proceedings were formally drafted or signed. Apart from that, no question can be raised in the courts of law as to the propriety or expediency of the sanction or the political soundness of the sanction. These are questions which cannot be discussed anywhere else except here. This is the only place where we can discuss this question. I therefore venture to submit that this is the only opportunity, this House is the only forum where people can raise the question of the propriety of sanctioning such prosecutions for sedition. Whether the matter or nature of the speeches is seditious or not is wholly irrelevant to the debate. I agree with you, Mr. President, that the scope of the debate is limited. We, on this side of the House, will do nothing to extend the scope of the debate and you can depend upon the House confining itself to the limits prescribed by you."

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* The hon. the PRESIDENT :—" The only question is the expediency of the sanction accorded by Government. That cannot be, and is not, the subject-matter, of the criminal proceedings that are pending. Therefore I think the motion is in order. I wish to know whether the hon. Mover has got the leave of the House. (After a pause.) Since no Member objects, I declare that the hon. Member has got the leave of the House." 12 noon.

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The motion may be taken up to-morrow afternoon, Sir."

Mr. P. C. VENKATAPATHI RAJU :—" No, Sir, the non-official days are not even now sufficient for the transaction of pending non-official business and therefore I submit that this motion may be taken up on an official day so as not trench upon the days allotted for non-official business."

* The hon. the PRESIDENT :—" I think the question as to when this item is to be taken up has to be decided more with reference to the interval available after notice has been given. Though no doubt every Member has got the right to move similar motions by mentioning them to me before 11 o'clock, there must be sufficient interval to enable preparations being made and the Standing Order itself was amended for this purpose only. Therefore we will take up the motion at 2-30 p.m. to-morrow."

VIII

FINANCE COMMITTEE.

The hon. Sir THOMAS MOIR :—" Mr. President, I move

> '*that a vacancy having occurred in the Finance Committee by the death of M.R.Ry. P. Bhaktavatsulu Nayudu Garu, M.L.C., this Council do proceed to elect a member to the said Committee for the purpose of filling the vacancy*".

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I second the motion."

The motion was put and carried.

The hon. the PRESIDENT :—" I have to inform the House that with reference to Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nominations of candidates for election of a member to the Finance Committee should be sent to the Secretary".

IX

THE HOUSE COMMITTEE.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I beg to move

> '*that with a view to appoint a House Committee in pursuance of Standing Order No. 80, this Council do proceed to elect six members to be members of the said committee according to the principle of proportional representation by means of the single transferable vote.*' "

The hon. Sir THOMAS MOIR :—" I second it."

The motion was put and carried.

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* The hon. the PRESIDENT:—"I have to inform the House that with reference to Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nominations of candidates for election to the House Committee should be sent to the Secretary."

X

THE MALABAR TENANCY BILL.[a]

* The hon. Mr. A. Y. G. CAMPBELL:—" Mr. President, Sir, I beg to introduce the Malabar Tenancy Bill and move that the Bill be referred to a select committee. If this motion is passed, I propose to ask the leave of the House for the appointment of more than fifteen members in addition to the Member in charge of the Bill to the select committee. If that motion is carried I shall submit to the House the names of the members to be included in the select committee.

" I am sure, Sir, that the subject matter of this Bill is well known to the Members of this House. It has been under the consideration of the Government for a great many years. It has been the subject of anxious enquiry by various distinguished Government officials from Mr. Logan and Sir William Robinson to His Excellency Sir Charles Innes, by eminent Judges of the High Court including Sir Charles Turner and Sir C. Sankaran Nayar and by distinguished non-official gentlemen from Raja Sir T. Madhava Rao to my hon. Friend the Law Member Diwan Bahadur M. Krishnan Nayar. There have been numerous Bills brought forward and the matter has been discussed at great length, but no satisfactory solution has hitherto been obtained which would meet the objections which have been raised in various directions. The last attempt to solve this knotty problem was made by my hon. Friend the Law Member whose Bill was passed by this House. But His Excellency the Governor withheld his assent because he felt that the measure would be unfair towards the janmis and that it was necessary to recognize the rulings of courts which had been in force for many decades. In communicating his refusal to give his assent to the Bill, His Excellency gave notice that the Government would take up the consideration of this matter and introduce a Bill of their own. To that end, the Government first appointed a committee of which the Chairman was Diwan Bahadur T. Raghavayya Pantulu Garu and the terms of reference of that committee were fairly wide. They began by calling upon the committee to investigate and report what disabilities, if any, were pressing hard on the tenants of Malabar in general, to what extent there had been unjustifiable evictions by the janmis in particular and how far kanamdars as such were in need of any protection. The committee was then asked to report on the best means of remedying such disabilities as the committee found really to exist and which they thought should be remedied. The Committee was asked to consider whether the disabilities cannot be removed without the grant of permanent occupancy rights and how far fixity of tenure could be secured for the actual cultivator of the soil; on whom and under what conditions permanent occupancy rights should be conferred if the grant of such rights was found to be necessary; the nature and extent of compensation that should be paid by those on whom such rights are conferred; and the effective methods which should be made available to the janmis to collect rents and other dues from those on whom such rights are conferred.

[a] Published in the *Fort St. George Gazette* on 30th July 1929 as Bill No. 9 of 1929.

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"This committee had the advantage of a large amount of material already at their disposal in the reports of former commissions and committees and the opinions of various gentlemen. They had, in addition, the advantage of taking evidence and submitting that evidence to cross-examination. After very careful and thorough enquiry, they arrived at the conclusion that the main disability pressing hard on the tenants in Malabar is insecurity of tenure. As regards the extent of unjustifiable evictions, the materials at the disposal of the committee did not prove that the evictions were either so numerous or so unjustifiable as had been represented to them by the advocates of the tenants' interests. The committee, however, thought that there had been some cases of unjustifiable evictions in the sense of evictions within the letter of the law but made for reasons other than the default of the tenant to act up to the terms of his bond. The committee also thought that, owing to the changed social and economic conditions and the feeling of estrangement that was growing between the landlords and the tenant, such evictions were likely to increase in future and that something should be done to avoid such a contingency. The remedy which the committee suggested was that the tenants should be given a qualified and optional fixity of tenure in the form and under the conditions set forth in their report. They also provided for compensation to be paid by those to whom such qualified fixity of tenure is to be given. They have also suggested methods by which the janmis could collect their rents and other dues with greater ease than at present. Certain other measures were also suggested by the committee for the purpose of promoting cordial relationship, between the janmis, the kanamdars and other tenants in Malabar and for increasing their economic efficiency.

"Now, Sir, that committee, in accordance with the request of the Government, drafted a Bill embodying their suggestions. Since that report was received by the Government, the Government have had the advantage of having a conference with the representatives of both the parties concerned. And, after lengthy discussions with both sides, this Bill which I now have the honour to introduce, has been drafted with a view to arrive at some legislation which shall be fair and equitable to both parties.

"Sir, the Government hope that the measure will now be passed into law after it has been carefully considered in the select committee. In the list of persons to be appointed to the select committee we have included representatives of both the janmis and the tenants, other hon. Members of this House from the West Coast, representatives from other parts of the presidency and representatives of all parties in this House. I feel sure that all the Members of this House will approach this problem with a sincere and earnest desire to find an equitable solution of this very difficult problem. I trust that they will approach it in no spirit of irreconcilability and that there will be nothing which will tend to render difficult our task of arriving at a measure which may be acceptable to both parties and that as a result of the deliberations of the select committee on the Bill we may be able to pass a law which will lead to the future prosperity of the inhabitants of Malabar."

The hon. Mr. M. R. Seturatnam Ayyar :—"I second it."

* The hon. the President :—"The question is that the Bill be referred to a Select Committee." 12-15 p.m.

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* The MUPPIL NAYAR OF KAVALAPPARA :—" I have read this Bill with very great anxiety and I think it is a Bill which is in no way better than what was introduced by the hon. Mr. Krishnan Nayar which was vetoed by His Excellency the Governor. In the first place the renewal fee which has been fixed in the present Bill has been reduced and the janmam value has very much been lowered. For instance taking the janmam value of the land as Rs. 2,000 the kanam tenant is entitled to Rs. 125, and the balance goes to the janmi. If this Bill is passed into law, the janmam value will be only one-twelfth of Rs. 130-8-0 plus the yearly michavaram of Rs. 20, i.e., Rs. 30-14-0 and this at 20 years purchase amount will come to Rs. 617-8-0. That is to say, the loss to the janmi is over Rs. 1,200. Whereas in Mr. Krishnan Nayar's Bill the renewal fee was fixed at Rs. 150, in the present Bill it has been fixed at Rs. 130-8-0. It may be said in favour of the present Bill that it has qualified the fixity of tenure to the tenant and does not confer permanent right of tenure on the tenant which Diwan Bahadur Krishnan Nayar's Bill did, and to that extent this Bill is in favour of the janmis. As a matter of fact there is no real difference between Mr. Krishnan Nayar's Bill and this Bill, as Mr. Krishnan Nayar's Bill contained conditions for eviction and accordingly did not confer permanent right of occupation on the tenants. As regards fair rent, which has been provided, I know from the conditions in Malabar that twice the seed will be sufficient for cultivation expenses and in this Bill they have fixed it at $2\frac{1}{2}$ times which has reduced the profit that has been calculated. Apart from the calculations, I think in a measure like this which is of a confiscatory nature, the janmis ought to be adequately compensated. I do not think the compensation that has been accorded is sufficient or in any way satisfies the demand of janmis. I do not think that this Bill really proceeds on a line of compromise."

* Mr. K. MADHAVAN NAYAR :—" It is a notorious fact that the tenancy problem of Malabar is a very peculiar one and if the tenancy problem there is a peculiar one, the claims put forward by the tenants and the resistance offered by the janmis are also peculiar. While tenants everywhere else claim fixity of tenure and are given such fixity, the tenants of Malabar do not claim fixity of tenure because they know that their attempts in that direction for the last fifty years have resulted in utter failure. Their cry for fixity has been a cry in the wilderness, so much so that they have lowered their demand to the lowest possible level and a large number of them are even satisfied with protection from arbitrary eviction. In this connexion I may mention the genesis of the present Bill, and its connexion with the Bill that was drafted by the Raghavayya Committee. You know that when the Bill, which was introduced by the hon. Mr. Krishnan Nayar and passed by this Council was vetoed by His Excellency, the Government promised that they would themselves make an attempt at legislation. Accordingly they appointed a committee to enquire into the tenancy problem of Malabar, to submit a report about it and draft a Bill. The committee so appointed was so reactionary and one-sided that tenants as a class boycotted that committee. They did not appear before it and adduce evidence before it. The accredited representatives of the tenants refused to serve on that committee including my hon. Friend Diwan Bahadur Krishnan Nayar, who now honours the Treasury Bench. The result was that that committee which from the outset was prejudiced against the tenants' cause submitted

a report and drafted a Bill, which, if passed, would have proved ruinous to the tenantry of Malabar. The tenants of Malabar naturely cried out 'Oh! Save us from such legislation.' The Government saw the force of this opposition and called a round table conference of janmis and tenants. Both the janmis and the tenants made representations before the Government and the result is the present Bill which, to some extent, is an improvement on Raghavayya's Bill. I said already that the tenants had lowered their demand considerably and at the round table conference also, they confined their demand to protection from arbitrary and oppressive eviction, not that that would be a panacea for all the evils which the tenants are labouring under in Malabar. Such protection from arbitrary eviction would at least make the life of the tenants bearable in that country. Despair on the one hand and anxiety to get some protection on the other made the tenants lower their demands and the present Bill only aims at giving such protection. Very few of the janmis in Malabar are cultivating lands themselves. The Bill does not substantially take away or materially affect any of the rights hitherto enjoyed by the janmis. The lands are cultivated either by the kanamdar or by the verumpattamdar under the janmis and such of the lands that are cultivated by the janmis themselves are not affected by this legislation. The mode of enjoying these lands by the janmis is by collecting rent every year and renewal fee every twelve years. When they recover the land from one tenant and give it to another, then too, they get nothing more than the rent and renewal fee that they have been getting from the previous tenants.

"This Bill simply places a restriction on the exercise of the power by the janmi of changing his tenant whenever he pleases. It places a check on his absolute power of evicting his tenants capriciously and vindictively. What the tenants want is that the janmis should not use their powers arbitrarily. Let the janmis take back the land for their own use. Let the janmis enjoy the lands as they have been enjoying them hitherto. Let them collect the rent and renewal fee as before; let means be devised which will enable the janmis to collect their dues promptly and regularly. Let them be given the power to collect the renewal fee, without being obliged to file suits for eviction and made liable to pay, in some cases, heavy compensation for improvments. Only, let him not dispossess a tenant for a real or fancied offence the tenant has given him or to satisfy the need or spite of a neighbouring tenant. This is the lowest demand which the tenants have made. People outside and some of my friends in my party are wondering how this tenancy legislation is going to do any good to the people of Malabar who have been agitating for tenancy legislation for half a century now. They ask and with great reason 'what is the benefit you are going to get from this legislation'. The only reply that I am able to give them is this 'It is true that we are not getting substantial benefit, but the position of the tenants is bettered to this extent that janmis can recover their lands from the tenants hereafter only when they want them for their own cultivation." That is the small benefit that we are deriving. We have suffered so much and so long that we prefer something in the place of nothing. If we go further, the Government may not give the tenants even this protection. The tenants do not want another veto by the Governor and that is the only reason which leads me in deference to the wishes of my constituancy not to oppose this Bill.

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The above remarks show that the benefits we are getting by this Bill are very little and not of a substantial character, and the loss substained by the janmis is also correspondingly very little. The only compensation which the janmis are entitled to for this slight loss is the right of speedy and prompt realization of their rent and renewal fees without having recourse to protracted and expensive litigation. Instead of fixing this as the compensation, if any compensation was necessary for the restriction placed on the power of janmis, the Raghavayya Committee went out of their way and evolved, even against the opinions and advice of some of the respectable and influential janmis of Malabar, a scheme of compensation which the Government in a modified form has accepted in its present Bill.

12-30 p.m. "Compensation must always be proportionate to the loss sustained and not more. The restrictions that have been placed upon the janmi are, I have tried to show, very small. They are not deprived of their absolute right in the land. They can enjoy the land in the same way they have been enjoying it till now. Very few janmis have been cultivating the land till now; not one janmi has realized the total produce of the land till now; they have been only collecting the stipulated rent and renewal fee; they will be collecting the rent and renewal fee hereafter also. The only restriction that is placed is on their absolute power of turning out any tenant they may please according to their whims and fancies. All the compensation that the janmis can demand for this is, as I have already stated, easy and speedy means of realizing their dues. The Raghavayya Committee thought that they were entitled to a portion of the janmam value or a substantial portion of the gross produce of the land. Accordingly, as compensation, they increased the rent and renewal fee to such an exhorbitant extent that the people of Malabar thought that they are going to be ruined for ever. That was the reason why Malabar raised such a hue and cry against the recommendations of the Raghavayya Committee.

"As a result of the Round Table Conference, the Government have done one thing The ordinary renewal fee that is collected by the janmi in those places is either one year's net rent or even less than that. This is admitted by the janmis and accepted by the Committee as correct. The Raghavayya Committee recommended three times that rent minus certain deductions. That is evidently too high and out of all proportion to the benefits conferred on the tenants. The tenants' representatives consented, in a spirit of compromise, at the Round Table Conference, to have the renewal fee fixed at the maximum rate, i.e., one year's fair rent or $1\frac{1}{2}$ times the fair rent minus the deduction proposed by the Raghavayya Committee. That was the proposal that was put by the tenants before the Government because they were anxious that they should not appear to be unreasonable in the eyes of the exacting janmis even. They put forward the maximum rate that any tenant in Malabar is now paying the janmi and that is one year's fair rent or $1\frac{1}{2}$ times fair rent minus revenue michavaram and interest on the kanam revenue. What the Government have done is to strike a medium between the recommendations of the Raghavayya Committee, i. e., three times the fair rent, and the tenants' proposals, i.e, $1\frac{1}{2}$ times the fair rent. The Government have fixed the rate at $2\frac{1}{4}$ times the fair rent instead of either 3 times or $1\frac{1}{2}$ times. I have already told you, Sir, that the rates we suggested are much higher than those generally collected by the janmis. When we made this proposal to the Government we never thought we were bargaining; we

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placed all our cards before the Government and the janmis, and indicated the maximum extent to which we can go. The Government has put it much higher in the present Bill and we fear the rates they fix will press heavily upon the people. All the same I am not opposing the introduction of this Bill. The tenants have learnt by experience that they are not going to get anything from the Government unless they lower their demands; they also believe that the Government is making an earnest attempt to solve this thorny and knotty problem in the way that seem to them best. Hence I welcome the introduction of the Bill not because I am satisfied with all the provisions of the Bill but because I believe the Government and the Council will pay heed to the reasonable representation that we may still make before them. I have made these observations somewhat in detail because there is one school which thinks that this Bill ought to be rejected altogether because it does no good. There is another school, the janmis, who put up a show of fight and try to mislead the people into thinking that this Bill will be very ruinous to the janmis of Malabar. I ask my janmi friends whether they were not satisfied with the proposals of the Raghavayya Committee. The most influential janmis of Malabar were represented on that Committee; the Raja of Kollengode was a member of the committee. If the proposals made by that committee and if the Bill drafted by that committee were not ruinous to the janmis of Malabar, may I know what are the modifications made by the Government that make the present piece of legislation so ruinous to them? That is a thing which I fail to understand. Their rights are not affected in any substantial way; they will be getting the same rent; a large body of them will be realizing renewal fees much in excess of the rates they have been obtaining hitherto. What is the material injury that this Bill causes to them is a thing which I am yet to understand. People will have to give and take. If the demands made by the tenants are reasonable and if the House is satisfied that modifications have to be made in the Bill, we hope it will surely do so. If, on the other hand, it thinks that the demands made by the tenants are unreasonable, it may reject the proposals. We shall place the whole matter before the Council, and we may assure them that we will not put forward unreasonable proposals. I therefore submit that we shall certainly not oppose the introduction of this Bill. We will try and see if the Bill cannot be modified in the Select Committee and if amendments cannot be moved in the Council so as to meet the reasonable demands made by the tenants. We are not going to propose anything revolutionary or destroy the rights enjoyed by the janmis or impair those rights except to the extent indicated above. We hope, Sir, that when the Bill emerges out of the Select Committee, it will assume such shape and form as is acceptable to the people of Malabar in general."

* Mr. J. A. SALDANHA :—" Mr. President, Sir, representing as I do the Christian community of Malabar, majority of whom belong to the kanamdar tenant classes, I may say that I welcome this Bill but with a protest against many of the provisions which are unfair. In the grant of fixity of tenure, a number of restrictions and conditions are imposed which are unjust and unworkable. I may point out as an instance that what is called fair rent is far from fair. It is calculated on materials and factors which existed long ago and it did not take into consideration the changed conditions of the present day. The renewal fee is so high, so exhorbitantly high—it is prohibitive--that it will be impossible for the kanamdars and verumpattamdars

to pay it without ruining themselves altogether. The high rate of the renewal fee is based on the compensation for the loss on the part of the landlords, the loss being the granting of fixity of tenure which had never existed according to their view. The historical facts connected with this question have been gone into over and over again and I need not repeat them now. So far as the Christian community is concerned it traces its origin from a long time past and it has been existing for several centuries. They claim to have held their lands for centuries on permanent tenure. To say that they are not entitled to permanency of tenure is a perversity of historical facts in spite of the decision of the High Court and other courts which have overlooked historical facts. The kanamdars of Malabar have protested against these decisions and they never acquiesced in their validity. What is false history and what is false law cannot become real historical facts or sound law. In this case the historical facts have been clearly maintained and upheld by majority of officers, commissioners and writers, namely, that the kanamdars have been holding their lands from time immemorial and for centuries and that their position had been recognized *de facto* by most janmis.

"I am glad that the Raghavayya Committee has laid stress on this important point, viz., the work done by the kanamdars to improve the lands and that for centuries. I may just refer to a passage in the report at page 48. 'Apart from this, the impression left on us by the evidence is that there are many cases in which kanamdars have materially contributed during a course of years towards the cost of improving the lands which they hold and even for the conversion of waste lands into cultivable ones and have materially assisted in the proper cultivation of the land.' Such service, would, in the opinion of the Committee, be necessary for a long time to come.

12-45 p.m. "In Malabar, the kanamdars have been doing a great service which no other holders of land in the country have ever done. And this must be taken into account in assessing the renewal fee. What will the janmi do without kanamdars? Kanamdars have spent enormous sums of money on the land, and they have been seeing to the cultivation of the land and have brought also large areas of land under cultivation. One argument has been advanced, a historical argument, that Parasurama having reclaimed the land from the sea, gave it to the Brahmans who then settled down there and were cultivating the land. . . ."

* The hon. the PRESIDENT:—"May I know from the hon. Member how that historical fact is relevant to the provisions of the Bill?"

* Mr. J. A. SALDANHA:—"I am explaining the fact that the kanamdars have been cultivators from ancient times, for many centuries."

* The hon. the PRESIDENT:—"Whatever be the history, it must have some relevancy to the provisions of the Bill."

* Mr. J A SALDANHA:—"The provisions of the Bill are based on a report which includes the historical fact that has been referred to. I do not want. . ."

* The hon. the PRESIDENT:—"Does the hon. Member propose to oppose the Bill?"

* Mr. J. A. SALDANAH:—"No, Sir. I am not going to oppose the Bill. I only point this out because in the Select Committee it should not be said

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that we have tamely acquiesced in all the provisions of the Bill, and I hope in the Select Committee, our party, that is the tenants' party, will not be out-voted. I want therefore to mention the grounds, the historical facts, on which we claim that the janmis are not entitled to any compensation at all. If they are really entitled to any compensation at all, then it must be a very reasonable compensation. My hon. Friend on the other side (Mr. Muppil Nayar) who is here on behalf of the janmis has of course got indignant and says that the compensation should not be so low as provided for in the Bill. But I ask, are they entitled at all to any compensation? I do not want to weary the House with the arguments advanced by several gentlemen including my hon. Friend Diwan Bahadur Krishnan Nayar who now sits as the Law Member of Government, and I hope he has not forgotten that historical fact. My point is that the janmis are not entitled to any compensation at all. They have not spent a single pie on the land, they have not paid for the improvements in the land. It is the kanamdars who have been existing in Malabar from before the time of Parasurama, long before the janmis came and settled in Malabar and it is they that have spent all the money and all their energies for the improvement of the land. These two factors, that is, firstly that they have been in possession of the land from time immemorial and secondly that they have spent all their money on the improvements to the land, should be taken into consideration. As a matter of fact, the janmis should be thankful that the land yields anything at all; and that is due to the efforts of the kanamdars. If the provisions of the Bill are to be enforced, many of the kanamdars will leave the land which will be left to the janmis themselves, and these kanamdars will migrate from the country, the fairy land of India, the most beautiful district of India. If the provisions of the Bill are enforced, such a beautiful fairy land will become unfit for human beings to live in. I therefore appeal, Mr. President, and through you to the House, to bear the historical facts, the economic facts and the human facts in mind and change and alter the harsh and hard conditions under which alone fixity of tenure is to be granted to these tenants. I am sure at the same time that our janmi friends in their own interests, will modify and reduce their claims considerably and that the Bill will come out of the Select Committee considerably altered, in the interests both of the janmis and of the cultivating classes.

"There are one or two other points. One is that what is granted with the right hand apparently in a generous manner is taken away by the left in the way evictions will be allowed especially if a landlord wants a holding for himself or for relations. The other point is that this Bill, as has been pointed out by the public Press, will lead to an excessive amount of litigation. It looks as if the provisions of the Bill have been made with a view to increase litigation and with a view to create a necessity for appointing a large number of judicial officers. I am sure our Law Member will be framing a big budget for the next year for the appointment of a good number of judicial officers for dealing with this question of fair rent and unfair rent. My suggestion in order to save vagueness, uncertainty and puzzles and the consequent wasteful litigation is—and it was also accepted when the last Bill was brought forward by Diwan Bahadur Krishnan Nayar—that the rent or payment of dues should be based on a multiple of the assessment. As a matter of fact, the Committee have fixed, in the case of dry lands, what is called a fair rent at five times the assessment."

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* The hon. the PRESIDENT :—" These are all matters of detail for the Select Committee."

Mr. J. A. SALDANHA :—" I only give an illustration, Sir. If that can be done in the case of all lands, I say all litigation can be avoided, by fixing the rent or renewal fee on the basis of the assessment, that is, a multiple of the assessment. That is my humble suggestion, and I hope our friends on the Select Committee will be able to find a formula for fixing the rent or renewal fee on intelligible and easily understandable bases. Sir, you have only to read the provisions about 'fair rent', and unless you are a clever mathematician, you will be puzzled with the large number of figures, two-thirds plus and one-third minus, and all that. The calculations contained there are all puzzling to an ordinary mathematician. How much more puzzling will it be in the case of uneducated people? We should make laws, Sir, that are really intelligible to the man in the street; we should not make laws unintelligible or difficult to understand, making the people every time go to a lawyer. The lawyer himself will then be puzzled and that same puzzle will be experienced by the District Munsif, the appellate Court and the High Court. Such calculations as are contained in this Bill will be a puzzle even to a lawyer with mathematical qualifications. I therefore say that some sort of formula must be found in order to avoid this catastrophe of legislation."

* Mr. K. P. RAMAN MENON :—" Sir, I do not want to join in the pessimistic note that has been struck by both the previous speakers, Messrs. Kavalappara Moppil Nayar and Saldanha. I certainly congratulate the Government on their sympathetic attempt to tackle this question. Ever since the date when the first Commission was appointed to enquire into the agrarian troubles in Malabar, this subject has been in one form or another before the public. Various committees and commissions have sat upon it and various eminent lawyers and gentlemen have pronounced their opinions on this matter, and Government have after all seen their way to settle the question. I am really thankful to them for it. No doubt, I do not agree with very many of the provisions that are in there, with reference to the renewal fees for example and other things; but this is not the time or the place to enter into details. We shall have to do it later on; but on the whole I must say that the measure which the Government have formulated from out of the materials that have been placed before them is fairly satisfactory. I have great pleasure in supporting the motion, and I think my hon. friends, after the Bill has been considered by the Select Committee and when it comes back to the Council, will find it much more acceptable both to the janmis and to the tenants, and that this House will pass it."

* Mr. K. KRISHNAN :—" Mr. President, Sir, I did not intend to speak at this stage, because I do not think a speech is necessary for commending this motion to the House. But my hon. friend Mr. Madhavan Nayar made some reference to the Raghavayya Committee of which unfortunately I am the only Member now in this House who can either speak for them or against them. Some of the provisions of the Committee—of course it is not possible for me at this stage to give out the confidence that has been reposed in us as Members of the Committee—are not quite satisfactory; but I must say that the kanam tenants of Malabar were not well-advised in boycotting the Committee. I myself, a tenants' man, was astonished at that, as I wanted to do my very best for the tenants of Malabar; but since the kanam tenants actually boycotted the Committee, there was not sufficient material

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for me at any rate—probably my friend Mr. Madhavan Nayar has material from out of which he could evolve a better scheme—on which I could put forward the claims of the tenants, and on that account I was considerably handicapped. Then, another difficulty was that on account of the want of sufficient materials, the question became more or less personal. And then, added to it, there was this difficulty which I had to face. . ."

* The hon. the PRESIDENT:—"I am not able to understand how the difficulties which the Members of the Raghavayya Committee faced are relevant to a discussion on the provisions of this Bill."

* Mr. K. KRISHNAN:—"I do not enter into that at all, Sir. All that I say is that, as my friend has been criticising the Committee, I also would like to. . ."

* The hon. the PRESIDENT:—"I am sorry I cannot allow it."

* Mr. K. KRISHNAN:—"Then, Sir, I shall not say anything about that. All I wish to say is that a great deal of improvement has been made in the Bill on the report of the Committee, and evidently greater improvement in other particulars has also to be made in the Bill so as to make it acceptable to the tenants, especially in regard to the raising of the rent from kuzhikanam tenants which requires careful consideration at the hands of the Select Committee to be appointed by this House. I only wanted to say a few words in justification of the Committee, but since the hon. the President thinks that it is not in order at this stage, I do not wish to proceed further on that point."

* The hon. the PRESIDENT:—"I do not think it will be in order at any stage of the Bill."

* Mr. K. KRISHNAN:—"I have therefore great pleasure in supporting this motion."

* Mr. K. UPPI SAHIB:—"Mr. President, Sir, this agitation for a tenancy legislation in Malabar is, I think, older than many of us in this House. It will be merely a waste of time to repeat the reasons and arguments for this legislation. Long, long ago, Government found, after due enquiry, that the occasional Mappilla outbreaks in Malabar were due to agrarian discontent in the country, that they were due to the oppression of the tenants by the janmis of Malabar. It will really be a sight for angels to see that the jenmis in this House fight each other, drawing swords against each other. I am myself a janmi, though not as big a janmi as my hon. Friend on the other side. I only say that if we or our forefathers had behaved as well as we wish they and we had, then this agitation would not have come to this stage.

"I only warn my hon. Friends on the other side to show mercy to the tenants. We are not going to be destroyed at one stroke or Malabar is not going to be aflame by this tenancy legislation. Let us therefore at this stage, not oppose this Bill, but allow it to pass to the Select Committee and then we can make amendments, additions, subtractions and all such things as we can do. So far as this Bill is concerned, I have to say only this much. The janmis can evict tenants under certain safeguards, but those safeguards are only illusory. I only request the Government to introduce more stringent conditions on janmis against the eviction of tenants. Though 1 p.m.

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there are provisions for evicting tenants, the provisions that are provided in the Bill are quite insufficient and require more stringent conditions. With these words, I support this Bill."

* Mr. S. Arpudaswami Udayar :—" Mr. President, Sir, I rise to support this Bill. I was surprised to hear even the janmi representative opposing the Bill stating that there are conditions in it which are confiscatory and that this measure is no better than the one introduced by my hon. Friend the Law Member and that in certain respects the Bill introduced by the hon. Diwan Bahadur Krishnan Nayar was even better than the present one. On the other hand, I know what the feeling in the country was at the time this committee was constituted and I know some hon. Members even gave expression to it, namely, that the interests of the tenants were not adequately represented on that committee. In his introductory speech, the hon. the Revenue Member stated that because the rights of janmis were not respected in the measure as finally passed by this Council, the Government had to withhold its assent. Sir, without going into the details of the committee which was constituted for the purpose of safe-guarding the rights of janmis, a Committee which was not very favourable to the claims of tenants, as my hon. Friend stated, a Committee which was boycotted by one section, namely, the kanamdars, if the Committee constituted for being fair to janmis found it necessary to embody the provisions opposed to the tenants, the only inference that is possible is that the position of tenants in Malabar and the agrarian problem which my hon. Friend Mr. Uppi Sahib referred to, call for legislation of a very drastic kind. That is the only inference that is possible, as my hon. Friend contended, especially my hon. Friend Mr. Saldanha who put up a bold fight on behalf of the Indian Christian kanamdars, that some of the rights of janmis may be shadowy and that they should be removed, that the rights of kanamdars are real and substantial and that they have been overlooked. These are all things which will certainly be considered by the Members of the Select Committee and when the time comes for amendments to be moved, I believe, all those who feel for the tenants will put up a bold fight and see that their grievances are fully redressed. Therefore, Sir, I do not think that my hon. Friends, the janmi representatives, are justified in opposing this measure. It is a pity that so many years have been wasted and all efforts to improve the conditions of the tenants, unfortunately owing to this kind of opposition, have not borne any fruit and have not yielded any satisfactory results. So, the time has now come when this House should support this measure and see that the problem in Malabar is fully and adequately solved."

* The hon. Mr. A. Y. G. Campbell :—" Mr. President, Sir, I feel very much encouraged by the speeches which have been made to-day and hope that we shall have successful results from the deliberations of the Select Committee. It is true that my hon. Friend Muppil Nayar expressed some apprehension on the part of the janmis, but I wish to invite his attention to the views of the Government as set out in the Statement of Objects and Reasons, namely, that, the Government are therefore of opinion that any future attempt at legislation should take that night as a settled fact and proceed on the basis thereof. As a corollary to that proposition, they think that any attempt to take away the rights of the janmis in any substantial way, whether it be by the grant of permanent occupancy rights or otherwise, should be accompanied by adequate provision for reasonable compensation

being paid to the janmi.' That I think should safeguard the reasonable interests of the janmis. On the other hand, while, ' this has to be conceded to the janmi, the Government are also of opinion that in the case of homesteads at least, there is urgent necessity for creating security of tenure, that the claim of the actual cultivator of the soil for fixity of tenure and security from arbitrary evictions must be viewed with considerable sympathy and that every possible attempt should be made to secure this to him in so far as it can be reasonably done without injustice to the janmis." I feel sure that any representations which may be made on either side that the provisions of the Bill are unreasonable will be carefully considered. I would also point out, as some hon. Members referred to matters of detail in support of their criticisms of the Bill, that those details will receive very careful consideration by the Select Committee I therefore move that this Bill be now referred to a Select Committee."

The hon. the PRESIDENT :—" The question is that the Bill be referred to a Select Committee."

The motion was put to the House and carried.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, under Standing Order No. 40, the Member in charge of the department to which a Bill relates is a member of the Select Committee on the Bill and the number of other members that may be nominated to the Select Committee shall not without the leave of the House exceed 15. In order that the Select Committee may be constituted in the manner which I have indicated in my opening speech it is necessary to exceed that number. I therefore move, Sir, that leave be given to refer the Bill to a committee consisting of more than 15 members exclusive of the mover."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second the motion, Sir."

The motion was put to the House and carried.

The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move, Sir, that the Bill be referred to a Select Committee composed of the following Members :—

1. The hon. Diwan Bahadur M. Krishnan Nayar,
2. The Advocate-General,
3. Mr. K. R. Karant,
4. Mr. K. Madhavan Nayar,
5. Mr. K. Uppi Sahib,
6. Mr. J. A. Saldanha,
7. Mr. S. Satyamurti,
8. Mr. T. Adinarayana Chettiyar,
9. Muppil Nayar of Kavalappara alias Kumaran Raman,
10. Rao Bahadur O. M. Narayanan Nambudripad,
11. Mahmud Schamnad Sahib Bahadur,
12. Mr. A. B. Shetty,
13. Khan Sahib T. M. Moidoo Sahib Bahadur,
14. Rao Bahadur Sir A. P. Patro,
15. Rao Bahadur B. Muniswami Nayudu,
16. Diwan Bahadur S. Kumaraswami Reddiyar,
17. Mr. A. Ranganatha Mudaliyar,
18. Mr. K. P. Raman Menon,

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19. Mr. C. Gopala Menon,
20. Mr. F. E James,
21. Mr. K. Krishnan,
22. The Mover (The hon. Mr. A. Y. G. Campbell),

and that they may be asked to make their report not later than the 25th September 1929."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second the motion, Sir."

The motion was put to the House and carried.

* The hon. the PRESIDENT :—" I appoint Mr. B. Muniswami Nayudu, one of the Members of the Panel of Chairmen, as the Chairman of the Committee."

XI

THE MADRAS SERVICES COMMISSION BILL.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I beg to present the report [a] of the Select Committee appointed to consider the Madras Services Commission Bill and move that the Bill as amended by the Select Committee be taken into consideration."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the motion, Sir."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I beg to move—

'*that this business be adjourned for a year.*'

" I make this motion, Sir, after very careful and anxious consideration of the implications of the Bill and of this adjournment motion of mine. My first submission to this House, Mr. President, is that, as the Delegation Rules stand to-day, they are so inconsistent and so indefinite in scope in deciding the purposes for which this Public Services Commission should be constituted, that it will be well worth the while of this House to wait for a time—which must now be very short—when all these rules which are now thrown in the melting pot will emerge in a better and more suitable form, and when this House will be able to set up such a Public Services Commission, as has been set up in other democratic and self-governing countries. Sir, no doubt, at one time, I had very serious doubts about whether this House had the power to enact a measure of this kind ; but both as a lawyer and as a politician I felt that it was not right that I should object to the competence of this House to legislate on such matters. I venture to submit to this House certain arguments based upon the nature of the statutory power, under which this Bill is sought to be introduced, and to ask this House to wait for a while, when we can have our powers clearly and satisfactorily defined. Sir, section 96 B of the Government of India Act of 1919 is the parent section under which this Bill is sought to be placed before this House. That Act says (I read from
1-15 p.m. page 80 of Volume I of the Council Manual) :

'The Secretary of State in Council may make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments or authorize the Indian Legislature or local Legislature to make laws regulating the public services.'

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[a] Printed as Appendix IX on pages 115-133 infra.

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"Under this power, Sir, the Secretary of State has made a set of rules which are called Delegation Rules concerning Civil Services. The Secretary of State had made in 1926 a set of rules under which he had delegated to the local Government the power to make rules regulating the method of recruitment to the provincial services, subordinate services and special posts, in Governors' provinces. He had also delegated, under another rule, the power to make rules with regard to conditions of service pay and allowances and pensions. So that, taking the subject matter of those rules along with the subject matter of the provisions of section 96-B (2), rules had already been made with regard to recruitment, conditions of service, pay and allowances and pensions when the Secretary of State had delegated the power to the local Governments. That was the position when in 1928, the Secretary of State made a rule under which this Bill is brought before this House for being passed. That rule says :

'The local Legislature of any Governor's province is hereby authorized to make laws for the establishment and for determining the functions of a Commission. . .'

"I would ask the House to note the following words :

'to *regulate* the public services of the Province, but any such law shall be subject to the provisions of any rules made by the Secretary of State in Council under sub-section (2) of section 96-B or section 96-C of the Government of India Act.'

"I may mention in passing, Mr. President, that section 96-C contemplates the appointment of a Public Service Commission for All India, and the assignment to that Commission of such functions as the Secretary of State may assign thereto. That is the All-India Public Service Commission. My point now before the House is that the only law which the Secretary of State has authorized this House to make is the law to regulate public services ; and my point is that this Bill does not attempt to regulate public services in any one of the several matters mentioned in section 96-B (2), that is to say, neither in the methods of their recruitment nor with the conditions of service, pay, and other allowances, and pensions. I shall presently deal with the provisions of the Bill in detail and show how they do not seek to so regulate.

"To proceed with my argument, however, I may say at once, Mr. President, that the word 'regulate' is a well-known English word. It is defined in the Oxford English dictionary as meaning 'to control by rules,' from the Latin '*regula*,' to rule. Moreover, to prevent any possible misinterpretation of the word 'regulate' in so far as it applies to this Bill, may I invite the attention of the House to the fact, that so far as the rule-making power of either the Secretary of State in the first instance or the delegated rule-making power of this Government is concerned, the same word 'regulate' appears, as it does in the Act itself. The position is this. The Secretary of State may make rules for regulating the classification of the civil services in India, the methods of recruitment and so forth, and such rules may delegate the power of making rules to the local Governments. Therefore, unless it is contended, a contention which I hope no lawyer will advance, that the same word used in the same paragraph of a statute should be interpreted in different ways in different connexions, it is a well-known maxim of interpretation that the same word should be construed in the same way, if used in a statute more than once. I therefore venture to submit that if the word 'regulate' in so far as it applies to the Secretary of State or to the rules made by this Government under the delegated power means the

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controlling by rules in regard to the matters specified, the same construction should apply to the laws to be made by this House in this respect. That is to say, inasmuch as the rules made by the local Government seek to *control* the services by rules, similarly this House must have the right, if it proceeds to enact a Bill of this kind under the provisions of the Government of India Act, to control public services, in the same manner as the local Government controls and the Secretary of State can control. That is exactly the significance of the word, regulate or control.

"And the idea of this section, as I understand it, Sir, is that there are three sets of officers who can deal under the provisions of the Government of India Act with public services, viz., first, the Secretary of State himself by making rules, second, either the local Government or the Government of India when such power is delegated to them by rules which they can make, and third, the Indian Legislature or the local Legislative Council by enacting laws to regulate public services, when such power is delegated to them. I may mention in passing, Mr. President, that the local Legislature as defined in the Government of India Act means the Governor and his Legislative Council. So the delegation is either to the Governor and his Legislative Council on the one side, or to the local Government on the other. I may also say that the rules of the Secretary of State should be made by a majority of the House at a meeting of the India Council. In an earlier version of Rule 3, the words: 'subject to the provisions hereinafter made' occur while they have been removed later. I wish just to say a word on that matter. It is well-known that a power given to an authority by a statute if it is once exercised, becomes exhausted. That is, section 96-B (2) gives the power to the Secretary of State either to make the rules regulating public services himself or delegate that power to one or more of the specified authorities. My submission to this House is that when the Secretary of State did delegate his power to regulate the subordinate services and the special posts to the local Government, the power had become exhausted and he cannot once again exercise the power of delegation without any limitation whatever. I mention it as one of the difficulties in dealing with this Bill. Moreover, Sir, it is only under this earlier delegation to the local Governments that they have made the series of rules some of which have been published and some not.

"Rule No. 5 under which this Bill is brought before this House was made by the Secretary of State on the 10th October 1928, and the wording of that rule makes it clear that the Secretery of State intends it as an amendment to the existing rules. The preamble to that rule says:

> '*In exercise of the powers conferred under section 96–B (2) of the Government of India Act, the Secretary of State hereby makes the following amendment in the Civil Services (Governors' Provinces) Delegation Rules*'.

"Therefore, this rule is not to be construed as if it were a new provision but it is to be treated as an amendment to the then existing rules which I suggest relate to the making of laws for the establishment and for determining the functions of a Commission to regulate the public services of the provinces. I may add that that is the only power the Secretary of State can delegate. So far as his power to delegate to the local Governments or the Government of India is concerned, the Government of India Act does not use the words 'regulating the public services'. It simply deals with the

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power to make rules. As regards the delegation of law-making power to the Indian or the local Legislatures, it is qualified in the Act itself by the words : 'to make laws for regulating the public services'; and in pursuance of that statutory provision the Secretary of State has made these rules for the establishment of a commission to regulate the public services of the province. This rule proceeds to say :

> '*Any such law shall be subject to the provisions of any rules made by the Secretary of State in Council under sub-section* (2) *of section* 96-*B or section* 96-*C of the Government of India Act.*'

"Much play is sought to be made of the words that any such law shall be subject to such provisions; and it is contended that while the Statute provides that it shall be only to regulate public services, that power is sought to be restricted by the Secretary of State in the rules, by the words that that law shall be subject not only to the provisions contained in any rules made by him under the said sub-sections of the Government of India Act, but also subject to the rules made by the local Government in the exercise of their delegated power. My answer to that is twofold. First, in so far as that limitation by the Secretary of State in delegating the law-making power to this Legislature is concerned, however much he may limit it by that rule, he cannot restrict it to this extent so as to make it no regulating power at all. For example, take the question of the methods of recruitment, of pay and allowances, of pension or discipline. One or more of these matters this Commission ought to have some powers to regulate. If, on the contrary, this Commission is to have no control on any one of these matters, to authorize the Legislature to set up a Commission of this kind is a fraud on the power which has been given to the Secretary of State by the Parliamentary Act of 1919. To set up a Commission with no such powers of regulation and yet say that it is a Commission to regulate public services which alone the Parliamentary Act authorizes the Secretary of State to delegate to us is certainly a fraud on the statutory power of the Secretary of State.

"Now, Sir, my second argument is this. The rule says that any such law shall be subject to the provision of any rules made by the Secretary of State. I venture to submit, Mr. President, that those words can only refer to the rules made by the Secretary of State himself, and not to the rules made by this Government in exercise of the delegated power. The contention may be advanced that when the rule says that it ought to be subject to the provision of any rules made by the Secretary of State, it must be held to include the rules made by the local Government as well. I submit, Mr. President, that a restriction of this kind ought to be construed strictly, and in terms in which it is put down in the rule itself. This is after all a statutory rule. It has been laid on the table of both Houses of Parliament for two months and it has been made with the assent of a majority of members of the India Council. Further, if they wanted to prescribe that this should be subject not only to the provisions of the rules made by the Secretary of State but also to the provisions of the rules made by the local Government in the exercise of power which had already been conferred on them, they might have stated it specifically. And since they have not done so, I submit that we have no right to extend the scope of this restriction beyond its terms, and to say that this power to regulate public services is to be subject not only to the rules made by the Secretary of State but also to

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the rules made by the local Government, either now or to be made hereafter· My contention therefore is that so far as this rule is concerned there is no such restriction."

The House then adjourned for lunch.

After lunch—2-30 p.m.

Mr. S. SATYAMURTI :—" Sir, I was saying, when we adjourned for lunch, that rule 5 simply provides that the law which this Council may make shall be subject to the provisions of any rules made by the Secretary of State. And that does not mean that the law should be also subject to the detailed rules with regard to recruitment and similar matters made by the local Government, in the exercise of that power delegated to it. Moreover, Sir, that rule merely says that such law, that is, a law *regulating* the public services becomes void, if it is repugnant to any such provision in the rules. Now, Sir, the only such provision is that the power to make rules regulating the methods of recruitment of the proincial services, subordinate services and special posts is delegated to the local Governments. The local Legislature is also authorized to establish and determine the functions of a Commission to regulate the public services of the province. I should like to know, Sir, reading those two rules together, what is the repugnancy in enacting a law which gives to the Commission the power to regulate the public services. Repugnant means inconsistent with or contradictory to and I suggest, Sir, that the law establishing a Public Services Commission to regulate the public services is not by itself contradictory to or inconsistent with the rule made by the Secretary of State giving the power to make rules regulating the public services to the local Government, unless it is also argued, and the House accepts the argument, that all the rules which the Government have already made or may hereafter make should be held to override the powers of this Council to establish a Public Services Commission. Moreover, Sir, as I have said, the main point of the argument is that according to the terms of the section in the Government of India Act, section 96-B (2), and in the words of the rule itself, the only Commission which this House can establish by a law is a Commission to regulate public services.

" Now, Sir, if the House would turn to this Bill they will find that this Bill, except in the first paragraph of the preamble which is contradicted by the second paragraph thereof, does not even purport to regulate any matter regarding the public services. No doubt, the first part of the preamble repeats parrot-like the rules made by the Secretary of State. It says, 'Whereas the Secretary of State for India has made a rule authorizing the local Legislature, subject to certain conditions and restrictions, to make laws for the establishment and for determining the functions of a Commission to regulate the public services of the Presidency of Madras.' The second paragraph follows, 'and whereas it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said services.' I should have expected, Sir, the draftsmen to have had the sense that the two paragraphs of the preamble at least ought to be consistent, each with the other, whatever the remaining clauses of the Bill may be. But one finds that while the first paragraph of the preamble starts with the ambitious object of establishing a Commission to regulate the public services, the second paragraph merely says, 'discharging the functions hereinafter

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specified.' The question, then, Mr. President, is whether any or all of these functions amount to anything more than advisory functions or come anywhere near regulating any matter concerning the public services.

"Now, Sir, I skip over sections 1 to 7, because they have nothing to do with the functions of the Commission. Coming to section 8, Sir, the regulation which this Bill gives to the Commission is the right to advise the local Government on any question which the local Government may refer to it. The Bill says 'shall advise,' but when? Only if the Commission is asked to give the advice. And therefore even the right to give advice is not given to it, unless the Government choose to invoke the machinery of this Public Services Commission. And then, what happens to the advice is left alone. But I am sure the hon. the Revenue Member himself will claim that such is the position of the Government under the rules that the advice will share the fate of all advice which a person may or may not take, according to his inclinations. It is not provided there that the advice is obligatory, and I think the position of the Government is that the advice cannot be obligatory But whether that position is sound or not, I submit that section 8, as it stands merely makes the Public Services Commission an advisory body, advisory on matters referred to it, whose advice may or may not be taken. That certainly is not regulating public services, whatever else it may or may not be.

"Then, Sir, there is section 9 which deals with recruitment by competitive examination to the public services. There again, Sir, the section says, 'where any competitive examination is to be held in India for the purpose of recruitment to any provincial or subordinate service or special post, the Commission shall advise the local Government, etc.' Of course, it is claimed by the Government that the right to determine for what post or services competitive examinations are to be held is to be vested in them, and decided by them. And after they have decided that, they will indulge in the luxury, if they want to do so, of consulting the Commission, and the Commission shall advise the local Government in the matter of the regulations prescribing the qualifications of candidates, conditions of admission and the syllabus of examination. Again, I ask, Sir, what becomes of the advice? Supposing the Commission prescribes certain qualifications, certain conditions of admission and certain syllabuses, is the Government going to accept it? No. Then again, going downwards in the Bill, the Commission shall 'announce the number of vacancies,' 'make all arrangements for the actual conduct of the examination,' arrange the candidates in a particular order and forward a list. Now supposing a list is forwarded, what happens? Is there a provision that the Government cannot go outside the list? The advice is taken, when the advice is wanted. It is accepted or rejected according as it suits the whims and caprices and the political exigencies of the Government. And the result therefore is, even according to section 9, the functions of this Commission are purely advisory. Section 10, Sir, deals with recruitment by selection. The position there is exactly the same as in section 9 and the list made by the Commission is by no means binding on the local Government. Then, Sir, we come to section 11, that is, with regard to promotions. Even then, it is a question of advice, and even the order of preference in which the candidates may be arranged by the Commission is not binding on the Government.

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" But the climax is reached, Mr. President, when we come to section 12 which says, 'In the exercise of its functions under sections 9, 10 and 11 the Commission shall observe the rules, if any, made by the Local Government regarding the constitution of, or recruitment to, any provincial or subordinate service or special post . . .' Now, Sir, pausing there, I would respectfully invite the House to read that section carefully and say whether I am not right in claiming that that section reduces this Commission to a ridiculous and expensive farce, because on all matters of recruitment and on all similar matters on which the Local Government may make rules, this Commission has got to carry out the orders of the Local Government.

" Then, I should like to know, Sir, why a Commission of this kind is wanted, if it is merely to interpret the rules made by the Government and to advise the Government. I think it would be very much less expensive and more consistent with the dignity of this House, were the Government to use the power that they already have under Devolution Rule 3 and have their own Board of Selection whose advice they may or may not accept. But I appeal as a Member of this House to my hon. Colleagues to consider whether they are placing themselves in a position of dignity and self-respect, when they are sought to be used as puppets by the Government for constituting a Commission which shall have no powers, and even in the exercise of its limited powers, can be cribbed, cabined and confined by the regulations and rules by the Local Government which may go on varying from time to time according as the political or communal complexion of this House changes year after year. I do venture to submit, Mr. President, and I am sure every Member of this House is convinced, that this section if passed will knock the bottom of the case for this Commission altogether.

" Then, we come to section 13 which deals with examinations for confirmation or promotion. Even then it is merely advice and the list arranged by Commission is not made binding on the Government. Then sections 15, 16 and 17 deal with appeals, memorials, records to be sent to the Commission on reference and so on. All these also are purely advisory in character, and the Government also reserves to itself the power to make rules for the purposes of this Act and not inconsistent therewith under section 19. Therefore, it comes to this, that the whole Bill is intended to provide three jobs for three supporters of the Government for the time being and to make their position absolutely strong. Secondly, these provisions are calculated to remove them altogether from the scope of the legitimate criticism of this House.

" I entirely agree, Mr. President, that so far as the salaries of the Chairman and the Members of this Commission are concerned they are to be made non-votable, because if any self-respecting officer is expected to function on this Commission, the post should, as far as possible, approximate to the position of the High Court Judges, who ought to be above political influence of one kind or another, if they are expected to give disinterested advice to the Government of the day, consistently with the claims of communal justice. There should be no place for ministerial or personal patronage which has become a habit of this Government for the last few years. Ministries have been clinging tenaciously to the offices, applying purposely the maxim that every man has his price. And I venture to submit that all of us who are interested in the purity and efficiency of public administration, will want a Commission, which will continue to work for the increasing happiness

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and prosperity of this country, independent of the political inclinations and predilections of the Ministry for the time being in force, and which must put down with a firm hand this idea that is being followed that the public services are to be used as a means of rewarding party loyalty or punishing party disloyalty. I therefore suggest that, while the members of the Commission ought to be above all party prejudices, clauses 6 and 7 of the Bill are unnecessary. That is to say, the appointment and salary of the Commission ought to be made non-votable by making them statutory charges, taking advantage of the Government of India Act, that money ought to be provided by law and it shall be non-votable. But, Sir, while I agree that the members' salary ought not to be the sport of political majorities here, I think the work of this Commission ought to come under periodical review of this House, as the work of the High Court comes here, when we discuss the salaries of the establishment of the High Court Judges, as also of the Executive Council when we review the whole administration of this Government. I think it is right that sections 6 and 7 ought not to remain there. 2-45 p.m.

"But, my point, Sir, is this; in so far as this Bill may claim to have any definite obj ct, the only object is to create three posts and provide salaries for them. That is the real object of this Bill. There is no other power given there. There is no important function assigned to the Commission. It is merely creating three new offices. Now, Sir, I venture to suggest that so far as the public services are concerned, the only section under which this House may legislate is the rule delegating the power by the Secretary of State under section 96-B (2) of the Government of India Act. Because under section 80-A of the Government of India Act, 'the local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good Government of the territories for the time being constituting that provinces.' That power, Sir, as hon. Members will notice, is 'subject to the provisions of this Act,' namely, the Government of India Act. The Government of India Act has provided, in a separate chapter, provisions with regard to the control of public services, and except in the exercise of that power, this House cannot deal with public services under the terms of section 80-A of the Government of India Act.

"Now, Sir, so far as these rules are concerned, I want to advance one more argument. If my contention is accepted by this House, then the House has no power to legislate. Assuming for a moment that the House has power, may I argue, from the point of view of political expediency, before this hon. House, that this Act was passed in 1919, and it was then contemplated to delegate these powers to this House for constituting a Commission? Ten years have elapsed since, and nothing has been done by the Government so far to establish a Commission. The whole constitution is now in the melting pot, and within a year from now, I expect, normal contingencies being excepted, there will be a revision of the constitution under which the Secretary of State's position as against the Local Government or the Government of India will completely change. I think at that time it will be far more useful and far more expedient to establish a Commission with a reformed House with full powers, rather than now rush this Bill through, and at the eleventh hour, knowing that these rules have now gone into the melting pot.

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"Now, I ask the Government of Madras, what is their position in the matter? Do they want those rules or are they satisfied with the present position under which they have to carry out orders made by the Secretary of State, the Government of India or by any outside agency? Do they or do they not want full provincial autonomy, in the matter of recruitment and management of services? Does this House or does not this House want full control over this matter? If that is so, if we are for full provincial autonomy, is it nothing more than a paper demand? Then, what is the necessity for rushing this Bill through at this stage without waiting for those rules to be reconsidered, instead of undertaking this legislation under better and more definite conditions.

"That point will be proved when I read to the House the paragraph concerning the services in the Memorandum submitted by the Government of Madras to the Indian Statutory Commission. I am giving the opinion of the Madras Government, and at page 26 they say:

'Responsible self-government, if it implies anything, implies that the provinces must be free to recruit its own servants as and where it likes. There can be no imposing upon it a body of men recruited under regulations, from sources and on rates of pay prescribed by some outside authority.'

"Did the Government mean what they wrote, when they wrote this? If they did—my hon. Friend opposite (the hon. Dr. P. Subbarayan) is an authority in English—when the Madras Government said 'there can be no imposing upon it a body of men recruited under regulations . . . prescribed by some outside authority', why in the name of commonsense do you want to rush this Bill, with an 'outside authority' over you, namely, the Secretary of State? Twelve months more, and you will have a new constitution. As I said, either the Government do not mean what they wrote, or they forget what they wrote. Why not wait till we come by our own and then establish this permanent Commission? Having waited ten years, why rush at the end of the tenth year? Then, Sir, there is one concluding paragraph which puts the case very strongly, which I want to read to the House:—

'Appointments to the Public Services and all service questions should be handed over to a Public Service Commission for disposal in each province under statutory rules made by the provincial Government' (*not the Secretary of State!*) 'The Madras Public Service Commission Bill, about to be presented to the local Legislative Council indicates the scope of this suggestion.'

"It is a carefully worded sentence; it does not express approval of the Bill, but it merely says that the Bill indicates the scope of the suggestion. Then follows one more interesting sentence;

'In the interests of the provinces even now and infinitely more so under the new conditions, the provincial Governments must be relieved from the responsibilities of exercising patronage in this direction.'

"Do the Madras Government mean what they say? Then, why do they want this Bill under which they want to have patronage in appointing the Chairman and in appointing the Commissioners, and to dictate to the Commission the various rules under which patronage should be distributed? Then, they say:

'Even now, the pressure by constituents on every member of the Legislative Council and still more on every Minister to use his position in the furtherance of this or that individual appointment is intolerable and mere election ought not to involve inevitably the subjection to this annoyance and the incurring of the hostility of most of the numerous band he cannot hope to gratify.'

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" I think this summarises in a very fair and in a very accurate form the feeling of every Member of this House that pressure by constituents for appointment of individuals is not to be tolerated.

" Now, Sir, before the ink with which they wrote that memorandum was dry, they want to rush this Bill to perpetuate the very evils which the Madras Government very rightly claimed should be eradicated from the administrative machinery of this province.

" Then, Sir, introducing this Bill, His Excellency the Governor, who was then the Leader of the House, claimed two objects as likely to be achieved by the passage of this Bill. He said, as the first object, ' In the first place, the rules that give the Local Government the power to regulate the method of recruitment say that the previous sanction of the Governor-General in Council should be required to making the first appointments to the provincial service otherwise than as a result of competitive examination or on the advice of a permanent Board of Selection appointed by the Local Government or of the Central Public Services Commission. Now, therefore, if the Local Government makes any statutory rules regarding the method of recruitment to any provincial service otherwise than by competitive examination, every appointment would require the sanction of the Governor-General in Council unless we set up a permanent Board of Selection on whose advice the Local Government should act.' If that is the object of the Bill, I want to join issue with the hon. the Revenue Member as he then was, when he claims by setting up this Public Services Commission, Government will have done away with the need for previous sanction of the Government of India for first appointments, if they happened to have a permanent Board of Selection. Because, Sir, I suggest that although the appointment to this Commission, in the last resort is in the hands of the Local Government, there are amendments on the order paper which want to vest this power of appointment in other authorities. Whether these amendments will be accepted or not, I cannot anticipate. But, Sir, I venture to suggest that a statutory body such as is contemplated by the provisions of this Bill cannot be said to be a permanent Board of Selection appointed by the Local Government, when there are restrictions placed on their powers of appointment, even in the very provisions of the Bill as they are. This House is also asked to agree to the various restrictions with regard to the nature of the appointment to be made.

" But, I have a more substantial objection, Sir. It is said the Bill is intended for the making of future appointments after consulting a permanent Board of Selection. I do not think, taking the words of the rule governing first appointments, in the context, it can be seriously contended that by purely setting up an advisory body whose advice may be sought or may not be sought, and whose advice, if given, may or may not be accepted, can take the place of a permanent Board of Selection. I suggest that, even assuming that it will take the place of a permanent Board of Selection, there is no need for passing this Bill for that purpose. Because, it is now open to this Government to consult the Public Services Commission with regard to first appointments they make, except those on the results of a competitive examination. This suggestion of mine is supported by high authority

" I desire to support my position by reading an extract from the report of the last Royal Commission on Public Services, namely, the Lee Commission,

who went into this matter very carefully. Sir, that Commission, in paragraph 26 of its report said:

'The Public Services Commission, as we contemplate it, will be an All-India body; and, in so far as it may be invited by Local Governments to assist in dealing with problems of provincial administration, means must be provided to secure for it competent advice on provincial matters and to bring it into touch with local authorities. The requisite link might be found in the Chairmen of the Provincial Selection Boards, who, in our opinion, should be paid full-time officials appointed by the Governor in Council in consultation with the Public Services Commission. These Chairmen would not be members of the Commission, but would act as its advisers on all local matters.'

3 p.m. "They go on to say, 'In respect of recruitment for central services, and if a Local Government should so desire, for provincial services, it should act as agent of the Secretary of State, the Government of India, or the Local Governments as the case may be'. I pause to suggest to this Government and this hon. House that for the present, until the rules are modified suitably, until we have full provincial autonomy, in respect of provincial services, we may well proceed by the method advocated by the Lee Commission and contemplated by the Secretary of State, when he appointed the Public Services Commission, namely, that this Local Government may take the advice of the Public Services Commission on all such matters, for a year or two years during which we may not be able to set up our own machinery.

"And the hon. the Revenue Member, as he then was, in his speech, also said 'It will not be for the Commission to lay down the conditions of recruitment. That is the duty of the Local Government and that duty it cannot delegate to any other authority if it is to function as Government at all'. I think, even in the United Kingdom, which is a pattern to us in all such matters, it is provided inter alia, that 'the qualifications of all persons proposed to be appointed, whether permanently or temporarily, in any situation or employment in any of His Majesty's civil establishments shall, before they are appointed, be approved by the Commissioners, and no person shall be so appointed until a certificate of his qualifications has been issued by the commissioners'. The Government have no power to appoint any unless he has obtained a certificate of his qualifications from the Civil Service Commissioners themselves.

"Then, Sir, in his well known book on Responsible Government in the Dominions, Keith summarises the law on the matter in the various Colonies and the Dominions.

"In Canada, the Board of Commissioners held office for 10 years . . . they can be removed only on an address from the two Houses. But these commissioners are so dependent that they can be removed by the Governor in Council. If the commissioners do not suit the whims of the treasury benches, and do something which does not suit the political exigencies of the time, they may be ordered home. To this body was given the right to make appointments by examination in lieu of the old system of nomination, from qualified persons, and to issue certificates for increased pay, promotions, etc.

"Then, with regard to Australia, 'In the Commonwealth of Australia' with better models than those of Canada to follow, the service was organized on a strictly non-political basis. The control was given to a Public

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Services Commissioner who could be removed only on addresses from both Houses of Parliament. In 1922, by Act No. 21, a Board of three, with a short, but renewable tenure of office, was substituted. The service was classified as administrative, clerical, professional and general, or, under the Act of 1922, in four divisions, and the principles are appointment by examination where possible, and promotion by merit and seniority, not by the latter alone, save in case of equal merit.

"So far as the Union of South Africa is concerned, 'the Public Service and Pensions Act, 1912, as amended by Act No. 39 of 1914 and now consolidated as No. 27 of 1923, provides for the control of the services under the Public Service Commission of three members who hold office for five years, but this body has wide powers as to appointments, promotions, enquiries into cases of misconduct, grading of the service; and its consent is necessary for alterations of salary, new appointments, payment of gratuities, and other allowances; it administers the leave and subsistence allowance regulations.

"In the Irish Free State, 'provision is made for the appointment by the Executive Council of a Board of Civil Service Commissioners three in number, holding office at the pleasure of the Council. The Board is required to enquire into the qualifications of every person proposed to be appointed to permanent employment. No person can be appointed without a certificate of qualification as regards knowledge and ability. All appointments are made by competitive examination subject to the exceptions set out in section 6.

"I submit that so far as the right to control these matters is concerned, it has been conceded, to various extents and in various manners to Public Services Commission in other countries. We can follow the models in other countries. Therefore it is wrong to suggest that the Government cannot delegate its power to the Commissioners.

"Then, Sir, I want to say one word about a question which is likely to come up again and again when we discuss a matter of this kind, viz., communal representation. I have no desire to discuss that matter now, because it is not strictly relevant to the provisions of this Bill. But I want to make my position perfectly clear. We believe that in this country, and especially in this province, it will be necessary for some time, until the political atmosphere improves radically, that we must do everything in our power to remove communal suspicions and we ought to train and educate all communities to work together for the common weal. The time is not yet, I am hoping, as every hon. Member hopes, that the time will come very soon. I want to see nothing done to prevent the coming of the time as soon as possible. But my point is this. By all means, have communal justice, but let that communal justice be determined and administered by a body of men whose existence does not depend on the continual satisfaction of the increasing claims of political parties; let not that communal justice vary morning after morning, hour after hour, day after day, according as the complexions of the political parties, on whose support the Government must rely, are found to change. I am therefore pleading that if you want to have a commission, it must be a commission in whose capacity and impartiality and independence you will have confidence. I appeal to my hon. Friends on the Treasury Bench, remembering what they wrote on this question to the Statutory Commission, remembering the very lurid pictures which they drew

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of the unfortunate plight of Members of Council and Ministers of this House, I ask them whether they do not agree that these questions of satisfying rival claims are decided in a judicial and satisfactory manner. Efficiency, character and ability must be the test. That is why I plead, when we do appoint this commission, it should be a commission having full powers to deal justice to all communities, satisfactorily. After all, this House has the ultimate control over this commission in voting its establishment. The House will have the right to discuss for itself and lay down the broad lines of policy. Once they have been laid down, there ought to be no room for backstairs influence. The Commission must be left to administer the matters entrusted to them to the best of their lights.

"Therefore, Mr. President, I submit to this House, that there is a great deal to be gained and nothing lost, by putting off the passing of this Bill for one year. The hon. the Revenue Member did not advance any argument this morning in introducing this Bill, as to why it has to be passed here and now. If the Government themselves will review their position and not stand by the position they have already taken, they will agree that this request to allow these rules to be replaced by better rules under a different system of control and by outside authority is fair and reasonable. I appeal to this House to support this motion for adjournment on these grounds. I am not at all sure, once this commission has been constituted, even the learned Advocate-General will find it very easy to interpret the perpetua lquestions that may be put to him as to what are matters which can be regulated by rules made, what are the matters which this law can regulate, and whether it is a permanent Board of selection or not. He will himself concede that these matters are not free from doubt. There is some inconsistency between one rule and another, although they have been made by the Secretary of State for India. It is human to err, and even Secretaries of State may err. As I said, in making rule 5 he forgot the existence of rule 3, or chose to ignore it. And the result is we have two sets of rules, delegating the same power to two bodies, one the local Government, and the other, the Commission. How is the rule to be worked, unless the commissioners are the sweet creatures willing to carry out the orders of the Government? As it is, the law is going to cast on them very difficult and delicate duties, and unless they are to be the glorified head clerks of the local Government, they cannot conscientiously carry out their responsibilities. That is my first reason. It may be said that it is better to have an unsatisfactory commission than no commission. I recognize a great deal may be said for that point of view. But these rules are going to be changed. Why perpetuate a commission under these admittedly unsatisfactory conditions? We have been without a commission for nine years. Why have a commission now whose whole position and functions will soon have to be changed? It does not achieve the object which the hon. the then Revenue Member had of taking the place of a permanent Board of selection.

3-15 p.m. "The last point I want to make is that there is an election which is bound to come. I do not know when; but, unless the Government of India Act is amended, this Council cannot last beyond December 1930. This Council's normal term of life expires in December this year and, under the Government of India Act, its life can be extended for a year more only.

"I appeal to my friends who have got experience of parliamentary legislation, whether any decent political party introduces highly controversial and

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important legislation at the fag-end of its term of office. No decent political party does so without consulting the electorate and getting a mandate from it and this has been reserved to the Madras Government. All canons of parliamentary practice and legislation are thrown to the winds when, without making this important piece of legislation an election issue, a controversial measure of this kind is attempted to be rushed through at the fag-end of the Council's life. I appeal to my friends to say whether they do not want to go to the country and tell the electorates--' Here is a first-class measure which we will pass if you return us to power.' For all these reasons, Mr. President, I suggest that the adjournment of the consideration of this question will not do any harm, but, on the other hand, will enable us to go before the country and get a mandate from the electorate on this matter.

" More than that, I appeal to the Government of Madras themselves—the authors of this measure—to see that their hands are free to take up this legislation when their hands are really free. If they are sincere in asking for full provincial autonomy, if they are sincere in this matter, then I say that they ought to agree to my motion for adjournment, so that a provincially autonomous Government having a provincially autonomous legislature may appoint its own public services commission and appoint its own servants consistently with the demand for communal justice.

" With these remarks, Mr. President, I move that this business be adjourned for a year."

* Mr. A. Ranganatha Mudaliyar :—" Mr. President, after the eloquent and exhaustive speech of the hon. Member for the University I do not think I have got much to say. But I must say that it is most unfair to this House to ask that this Bill be considered and passed now. I think nothing will be lost by accepting the motion of the hon. Member for the University. All that is now proposed to be done by the Bill can be done by an executive order and I do not think it proper for the Council to ratify or endorse a measure which the Executive Government wants and the country does not want and the Council cannot improve. I have very great pleasure in seconding the motion."

* Mr. F. E. James :—" Mr. President, I congratulate Mr. Satyamurti on his very eloquent and interesting speech, but I cannot congratulate the seconder in the same way. Mr. Ranganatha Mudaliyar preferred to have an executive order for a measure of this kind. I ask whether he was really serious in what he said.

" Sir, I should like to say that the European group entirely supports the principles underlying the Bill. We have all along advocated the establishment of a public services commission and that within the rules the powers of this Commission should be extended to the fullest limit under the existing Act.

" Mr. Satyamurti's argument was mainly devoted to the support of his amendments which are on the order paper and not to reasons for the adjournment of the consideration of this Bill. His argument was for amending the provisions of this Bill.

" If the principle of the Bill is good what is the real reason underlying the motion for adjournment ? What is the advantage to be gained by postponing it? According to Mr. Satyamurti, he expects the Simon Commission to report and a new constitution to be ready at the end of August. I congratulate him on his knowledge of these things. I myself have not such

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knowledge as to what is going to happen next year. Many things may happen. According to some Members, this country will declare independence on 1st January 1930. If Mr. Satyamurti's information is correct—and I gather he has been in communication with the Simon Commission direct (Laughter) if his information is correct, and if the Simon Commission reports and legislation is ready this time next year, does he expect that to be put into operation at once? He is an old parliamentary hand. Does he not know that it takes a long time to put into force any advance which may be contemplated by the Simon Commission? Does he not realize the tremendous issues at stake?

"Therefore, if this measure is adjourned for one year and is taken up next year, will not Mr. Satyamurti use the same arguments and ask again for postponement? A Bill of this kind is a necessity and I think the House would be well advised to deal with the measure at this sitting.

"Mr. Satyamurti, towards the last paragraph of his speech, referred to the next elections and said that no decent political party ever entered into any controversial measure in the last year of its tenure of office. I would ask him to remember those words. I hope to have occasion to confront him with the same argument when we meet under provincial autonomy. The programme of a party can only be carried into effect slowly. Again, any Government measure that is introduced in this House is a controversial measure; the Opposition make it so. Therefore that argument does not hold water. The real reason for this motion seems to be that Mr. Satyamurti hopes to go before the electorate and say that the late Ministry has done nothing and that the reserved half has done nothing. 'The country is crying out for a Public Service Commission. Has it been established? Send us to the Council and we will establish one on the right lines' (Hear, hear.) That would be a good election stunt. That is the reason why he opposes this motion. I appeal to the House to support the measure on its broad principles. The House should remember that some months ago it referred this Bill to a select committe. Is the House ashamed now that it did so? Has the House any special reason now to change its mind? I suggest that it should support the Bill and see that it is passed into law. I am quite prepared to admit (and my European Colleagues are with me in doing so) that the scope of the Public Service Commission is bound to be limited under the existing conditions both by the terms of the Government of India Act and by the terms of the regulations of the Secretary of State. To my mind, however, that is no reason why we should not set up the machinery. It will take some time to get into working order. When the change in the constitution takes place and, as we expect, more powers are delegated to the local Government, and the Government of India Act itself is amended, we can amend the Bill if necessary or promulgate new rules by which the powers of the Commission could be enlarged. Therefore, I suggest to this House that it would be acting in its own interests, acting in the interests of the Services, and acting in the interests of the country at large if it proceeds with this measure as early as possible."

*Mr. P. Siva Rao:—"Mr. President, I have very great pleasure in supporting the motion of the hon. Member for the University. It is perfectly true that in his able and exhaustive speech, the hon. the Member for the University, dwelt mainly on the merits or demerits of the Bill and it is also

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perfectly true, as was pointed out by my hon. Friend Mr. James, that the reason for the adjournment was not lucidly and clearly put forward by the hon. Member.

"Now, Sir, the one reason that I give for the postponement of this measure is that the whole constitution is in the melting pot and it is simply astounding to my mind that the Government have, after a lapse of nine years and just on the eve of great constitutional changes, thought it necessary to introduce this measure now. I recognize the fact that we all desire to have a Public Services Commission constituted. We all desire that the power and patronage should be taken away from the hands of the executive Government and that it should not be entrusted in the hands of men who are influenced by political considerations. We all agree that the conferring of appointments should depend upon independent and judicial considerations with equal justice to all communities. As I said before, I do not want to transgress on the merits of the Bill. The question that is now agitating before the Simon Commission or the Statutory Commission, is how in the future, a Public Services Commission should be constituted. I am referring to the able memorandum submitted by the present Chairman of the Public Services Commission, Mr. Barker. In that memorandum he has protested against the formation of the Provincial Service Commissions. So, Sir, the question is now under the close consideration of the Statutory Commission whether we should have a congeries of Public Service Commissions separately for each province or whether we should have one Commission for the whole of India. That is a matter which is under close consideration and upon which the Statutory Commission will be called upon to give their opinion in a few months. The question as to what the powers of any such Commission should be and what relations should subsist between the Commission and the executive Government has to be decided by the Statutory Commission. In urging for an adjournment of this measure, the hon. Member for the University had in his mind that the report of the Statutory Commission would be ready in a few months and that it would define the powers and functions of the public services commission to be established in this country. In my opinion, it is a very potent reason for the adjournment, more especially when the whole constitution is being moulded and shaped. The other equally strong reason is this: that the Simon Committee of this Province has submitted that under the new dispensation the whole set of services including the I.C.S. and the I.P.S. or what are called the vital services working under the Local Government should be provincialized. I may also refer to the opinion of some of the other Provincial committees who have said that the I.C.S. service should continue to be recruited by the Secretary of State and that the other services alone should be provincialized. There has been acute differences of opinion on this matter and it has to be settled by an authoritative decision of Parliament, as to how the future Public Service Commissions should be constituted and how these services should be organized, in future, whether they should be provincialized, and if so whether all of them or only some of them, and if not all, which of them should continue to be recruited by the Secretary of State. So, pending a decision of the Parliament it is just and proper that we should stop our hands and suspend all legislation in regard to this matter till at least we have an authoritative decision upon it. These are the two reasons I give for the postponement of this measure and I vote for the proposition."

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* Rao Bahadur Sir A. P. PATRO :—" I am glad that the hon. Member who represents the Planters Constituency has exposed very clearly the fallacies underlying the arguments of the hon. Member for the University. The hon. Member for the University has given two reasons in support of his motion. In fact the hon. Member, Mr. James, said that the hon. Member for the University gave no valid reasons for the postponemont of the consideration of this Bill and that the reasons which he adduced were those relating to the amendments of which he gave notice. One of the arguments put forward by the hon. Member for the University was that the Bill is *ultra vires*, that this Council should not take up the consideration of this matter because it is very doubtful whether a matter like this could be considered under the powers delegated under the rules. That I leave it to the hon. the Advocate-General to answer. Dealing with the functions of this Committee, the argument which he has put forward is that there is no necessity for this because the constitution of the Commission is such that it will be a creature of the executive Government, its functions are so limited that it is liable to be influenced by other considerations and that its functions are such that will have to be carried out completely under the guidance of the executive Government; therefore it is likely to abuse the power delegated to them. Even a superficial examination of these arguments will show that they cannot hold water. If it is conceded that the All-India Services Commission is working efficiently and satisfactorily in accordance with the rules framed by the Secretary of State for the working of a Commission, there could be no objection for the working of such a Commission in this Province. Another argument which he put forward was that the Commission would be purely an advisory body, and it would have no powers to enforce its decisions on the executive Government and so it is unnecessary. Sir, in this connexion I would ask the House to refer to the function of the All-India Services Commission. The functions assigned to that body will indicate that they are also purely advisory and that it is left to the Governor-General in Council to consult the Commission on any matter on which they think it necessary to consult that body. It is not obligatory on the Governor-General to consult the All-India Services Commission on every matter relating to recruitment of services. It is open to the Governor-General in Council to consult at any time on any matter on which he thinks it necessary and proper to do so. The Commission has to be purely advisory on any matter referred to them. The mode of recruitment to the services or the control of the services has to be in the hands of the Governor-General and not in the hands of the Commission. Therefore hon. Members will see that in this Bill the provisions are quite consistent with the powers vested in the All-India Services Commission and that the powers taken under this Bill are not derogatory from those powers.

" Sir, there are two ways by which recruitment is made to the services: one by competitive examination and the other by selection. The rules framed under that section 96-C of the Government of India Act and the provisions stated in the present Bill are almost identical, the rules that have been framed by the Secretary of State to guide the All-India Services Commission. You will find that the rules made under section 96-C of the Government of India Act run as follows: 'That the Commission shall advise the Governor-General in Council on any question connected with the recruitment to All-India Services. With regard to competitive examination also whether any competitive examination is to be held in India for the purpose

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of recruitment the Commission shall advise the Governor-General in Council in regard to the regulations prescribed for qualifications and make arrangements for the actual conduct of the examination and. . . . forward a list of candidates so arranged to the Governor-General.' So, the appointment is to be made by the Governor-General in Council. All that the All-India Services Commission has got to do is they should conduct the examination, arrange the list of candidates and submit it to the Governor-General for the purpose of making appointments as he deems fit.

"Reference has been made to the Public Services Commission Acts obtaining throughout the Colonies and the United Kingdom in support of the motion. The hon Member laid emphasis on this, viz., that a certificate from the Services Commission is absolutely necessary before appointments are made. Here, in this Bill also and in the rules made for the working of the All-India Services Commissions, provision is made for a certificate being given to the effect that a particular person is on the list selected by them. that he has been found to be eligible according to the qualifications prescribed under the rules. They will have to carry out the rules as framed by the Government and they issue a certificate that the persons on the list are duly qualified and that they are competent to hold the posts. The Provincial Government will make the appointments after the certificates are issued and hence there is absolutely no reason to doubt that anything like patronage is going to be exercised if this Bill is passed. All of us agree that the power of patronage should be taken away from the hands of the executive Government. How best that can be done is a matter that we ought to consider. One of the means by which patronage can be taken away or the abuse of the power can be minimised is to have a Commission and to have a certificate issued by that Commission. According to this Bill the Provincial Commission will issue that certificate. So there is no fear or no reason whatever that because the functions of this Commission are purely advisory it is not necessary at all.

"Then, Sir, the functions of the Commission are purely advisory and there is this rule that 'The Governor-General shall have power to consider any appeal presented to him in accordance with the statutory rules and consult the Commission in regard to orders passed thereon.'—I am reading from the rules framed by the Secretary of State for the guidance of the All-India Services Commission. Hon. Members will see that these provisions have been framed in accordance with the rules framed by the Secretary of State for the guidance of the All-India Services Commission So, there is no reason to suppose that the powers given to the Commission are illusory and that the local Government have abused the powers given to the Secretary of State.

"One other argument advanced by the hon. Member for the University was that the Commission should have full powers of recruitment and that if the rules were changed under the new constitution, powers of delegation were also likely to change. If and when that happened, it might be one year or two years or three years hence, we would have gained by that time sufficient experience and knowledge by the working of this Commission. We will have found out the defects and the difficulties of the working of this Commission and we should be in a better position to alter or modify the rules according to the conditions of that Act, if necessary.

"Now, Sir, there is a cry everywhere that patronage is exercised very unfairly. Are you satisfied with the rules made by the executive Government? What is the remedy? Do you really say that the powers given under this Bill to the Commission are too meagre and therefore we want a better Commission and let things go on as they are at present? That is an argument which will never be admitted to be sound.

"It has been asked what is the urgency of this Bill. I think it is too late to question that point. I think when the hon. Member introduced his Bill he gave cogent reasons for its introduction and the Bill was referred to the Select Committee. The two reasons which the hon. the then Home Member gave were, that the power of delegation to the Provincial Government was such that for the first appointment the local Government had to go to the Government of India for previous sanction. For every appointment to the Provincial Service, unless it be by competitive examination, the selection was made by a permanent Board. With a view to avoid this difficulty this Bill has been brought before this House.

3-45 p.m. "In these circumstances, the reasons that are adduced for adjourning the consideration of this Bill are not at all acceptable. The main argument that the Commission will be a creature of the Executive Government is not at all sound. If you compare the rules made by the Government of India for the guidance of the All-India Services Commission and the rules contained in the Bill before the House you will agree that this motion should be defeated. There is no valid argument for postponing the consideration of this Bill."

Mr. J. A. Saldanha:—"Mr. President, Sir, it seems to me that my hon. Friends, Mr. James and Sir Patro have given away their cases by their arguments and that they are supporting the very points raised by my hon. Friend, the Member for the University. The question is whether, under the provisions of this Bill or under the powers we have got, we can create an independent body and whether we can really remove the powers of patronage from the hands of the Government. I doubt very much and our doubts are very well founded. As I have pointed out in my minute of dissent, we create a body under a Bill passed by this House under the delegation rules made by the Government of India and under certain humiliating restrictions. We get the delegated authority from the Government of India and the Government of India get their authority from the Secretary of State. Can there be a more humiliating position than this? We want a Bill of the right kind. As my hon. Friend Mr. James pointed out, we cannot have a Bill of that kind at present. The rules are made by the Local Government. The Local Government places many restrictions on the powers of the Commission. A non-votable, or rather, an untouchable body from the budget point of view will be brought into existence. We cannot touch that body; there is no possibility of criticizing its actions. That body will not be an independent one. It will be an appendix of the Government or a branch of the Secretariat carrying on the behests of the Government. The Commissioners will be highly paid; even then, we cannot say that they will be above influences after all. We cannot get an independent body as the High Court. What is the use of having a highly paid body which cannot exercise any real powers at all? Therefore we have to put off this Bill; it is a most humuliating measure.

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We cannot create an independent body such as we have in New South Wales and other dominions. Only when we have changed conditions, the time will be mature for bringing forward a Bill for an independent commission. If this Bill is pressed we will go to the country and say what sort of Government we have at present and what sort of mock parliaments we have got. Therefore let us carry courage in our hands and see that this Bill is put off not only for one year but indefinitely until we have got better conditions."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, Sir, I oppose the motion. I am at one with my hon. Friend representing the University in expressing the desire that this body ought to be independent, independent of the Ministry, independent of the Legislature and independent of the heads of departments. I go even further than my hon. Friend and say that it should be independent of all considerations of elections. It should not be a live issue at elections. It is quite possible to make it independent by seeing that it is appointed by the Secretary of State.

" Then, Sir, my hon. Friend has certain scruples with regard to the nature of the influence that may be brought to bear upon the deliberations and determinations of the Commission. It is said that this body is subject to rules made by the Government. I think we need not strain that point. What is actually meant is that the rules framed should not be contradictory or inconsistent. If we want the body to be independent and not amenable to any influence, certainly rules may be framed in such a manner as to make this body exercise its powers independently of all outside influences.

" My hon. Friend said that this body was only an advisory one. It is quite within the competence of this Legislature, when it passes the Bill, to stress and emphasize this point and move amendments to make this body advisory only in this sense, that the Government will be in a position not to mind the advice given by the Ministry, or given by the Legislature, or given by political parties but will use the advice of this body only. When this body is constituted by the Government, it is presumed that they will follow the advice given by this body.

" As regards the functions of this Commission, it lays down the syllabus, conducts examinations, draws up a list of candidates who are qualified to hold certain posts and arranges their names in a certain order; and this list is placed before His Excellency and surely, it is to be presumed that out of that list the appointments will be made. The powers which are enjoyed by similar commissions in other countries, as pointed out by the hon. Member for the University, will be enjoyed by this body also. Certainly, Sir, in framing these sections the framers are moved by the desire of having nothing very drastic. They try their best to see that, in case the Commission should go out of its way and do something extraordinary, there should be some power to say that they have gone too far. Therefore, to make these sections rather elastic, it may be that certain expressions have been used which have roused some suspicions in the mind of my lawyer friend.

" Again, Sir, what harm is there in having a legislation of this kind during the term of this Council? I know as a matter of fact that this Bill has been in the making for some years past. My hon. Friend said that everything is in the melting pot now. Very soon we shall be in a position to know what constitutional changes will be introduced into this

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country after one year. My hon. Friend Mr. Siva Rao spoke of the provincialization of the services as one of the recommendations made by the Madras Simon Committee. We know the trend of the reforms or constitutional changes. My hon. the Friend, Member for the University, said that we were going to have or very near having provincial autonomy. Provincial autonomy means that the Provincial Government will have a freer hand in the determination of these questions, and my hon. Friend suggested the provincialization of the services. Not only is this the best time for having a measure of this kind; but it is a clear indication of the constitutional changes we are going to have. If some further changes are found indispensable and absolutely necessary, later on when a new Council sits here even according to these changes it will be time for that Council with the experience gained by it, to make certain necessary amendments and make the Bill more perfect. So I think the very arguments advanced by my hon. Friend, the Member for the University, are arguments that go to show that a Bill of this kind is very necessary and that nothing would be gained by adjourning it for one year; for, after one year suppose the elections take place; it will take another two years for this new Council to prepare and place on the anvil a satisfactory Bill. So, as a clear indication of what this Legislature wants, as a clear indication of what is in the mind of the electorate, I think it is supremely necessary and important that we should have a body which must not be subject to any kind of external influence, the influence of Government, the influence of the heads of departments, the influence of the ministry and the influence of the Legislature and the different political parties. Political parties may disappear, may be split and re-organized. So many changes may take place. After one year we do not know what further changes may take place. The country is fast moving. I do not see that the fears and apprehensions expressed by my hon. Friend are so very serious as to necessitate the
4 p.m. adjournment of this Bill for one full year. On the contrary, the very reasons he has urged to have an independent body are reasons for proceeding with this Bill.

"One word more, Sir, and I have done. If Government have brought forward this measure, as he says at the fag-end of the term, it may be that Government have experienced great difficulty especially in the past two or three years in the matter of appointments and have therefore made up their mind to come to this legislature with this Bill, which will relieve them of this kind of nuisance in matters of appointment—if I can use that word, if it is parliamentary—and to relieve them of this responsibility in making appointments on consideration of qualifications, etc. For those reasons, Sir, I am in substantial agreement with the reasons advanced by my hon. Friend. I do not share his apprehensions and fears, and I am for this Bill."

*Mr. K. R. Venkatarama Ayyar:—"Sir, I rise to support the motion which the hon. Member for the University has made. Sir, there are two sets of objections to the House proceeding with this measure now. One set of objections is based on the fact that the present is not an opportune moment for the consideration of this measure. Another set of objections is in regard to the provisions which this House is asked to take up for consideration and enactment at the present time. For both these sets of objections, those who sit on this side of the House think that this Bill should not be proceeded with now. A new constitution is in the

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making. Under the new constitution which would very soon emerge, the position of the public services will radically differ from what it is now. That being so, the present is hardly the suitable time when we can take up such a Bill for consideration. The whole of the present Bill is cast in a mould radically incompatible with what the position of the services would be under any *Swaraj* Government. That being so, it is not possible, however much we may struggle with all our amendments in the course of the consideration of this Bill, to shape the Bill in such a way as to make it a fit enactment in the light of the experience of the working of which we may expect to find a satisfactory Services Commission which will be in a position to deal with the problem under the new constitution. Therefore, the argument that our attention must be focussed upon the amendments and not upon this adjournment motion is not sound. Of course, if you set up any Commission under the scheme at the present time, the main essence of which seems to be that it is the creature of the irresponsible executive Government of the day and can be got rid of in no time at the sweet will and pleasure of the irresponsible Executive Government, then such a Commission can, even during the short period of the two or three years during which it is contended that we should gather experience of its working, be no more than an absurd superfluity, if not a costly futility. Why do we want a Commission at all? It is not as if we are trying to ask for some legislation or other dealing in some manner or other with some kind of Public Service Commission. We want a real Public Service Commission for this Presidency which will be absolutely independent as in any modern system of Government; that is, absolutely independent of the Executive Government. That, it is impossible to have under this Bill, whatever may be the amendments that you may try to import into it. For these reasons, Sir, I think it is the duty of the House to avoid the cost of a Commission such as the one that can alone be set up at the present time under this Bill."

* Sriman BISWANATH DAS Mahasayo :—"Mr. President, Sir, it may well seem strange to some hon. Members in this House that we who are out for a Public Service Commission to-day stand to oppose it and move that it be put off for one year. After deep deliberation, we have come to this conclusion to support the postponement of this measure for one year. Sir, to-day we stand by the principle that we enunciated before on the floor of this House, that we want a strong and independent Commission, a Commission which will have nothing to do with the executive Government, and will be in full charge of selecting candidates, and will have full power, as in the dominions and other free countries, to issue certificates of promotion to candidates that deserve such promotions. Such a Commission would have been welcomed by hon. Members of this House, and neither the Government nor the admirers of the Government would have found any cause for complaint or opposition from the members on this side of the House. Sir, my hon. Friend Sir Patro has cited the Central Public Services Commission Act and quoted precedents. Bad legislation is no precedent. We have here a different constitution from that of the Government of India and my hon. Friend, calling himself Chairman of the Parliamentary Committee, has himself given quite a different constitution for the provinces from that of the Government of India. It is therefore for him very late in the day to draw conclusions, comparisons and precedents in regard to the constitution of that Commission. I for myself do not find any

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difference between the Staff Selection Board which we have now and the present constitution of the Services Commission. The Staff Selection Board is entirely a creature of the Executive Government. I have gone through the pages of the Public Services Commission Bill as it emerged from the Select Committee, and I have not been able to find anything in any of the clauses which go to show that the Services Commission will have an independent existence. It is to be appointed by the Governor in Council and all the acts to be done by it are mere recommendations. I think this is only opening the back door for the Executive Government in order to escape public criticism and to take shelter in the name of the Commission and do things a hundred times more mischievous than what they are doing at present. My hon. Friend to-day standing from his seat made serious charges against the distribution of patronage. Sir, we were iterating and reiterating from time to time in this House the abuse of patronage by Government. If to-day we oppose this Bill, it is because we find there is nothing in it to prevent the mischievous distribution of patronage which is being done from day to day in this province and so loudly complained of by Sir Patro.

"Sir, now coming to the Bill itself, the Commission is to be a creature of the Government. Even the All-India Services have got some sort of protection. The Government of India cannot touch them; but here is a Commission which is removable at will, at the sweet will and pleasure of the Governor in Council. The Governor in Council according to the Madras Government memorandum will hereafter mean the Ministry, and with six or seven Ministers which my hon. Friend Sir Patro has recommended, certainly the Governor will be shadowed. This Bill, if passed by the seal and sanction of the House will give more room for patronage, more room for undesirable persons to be appointed than what was being done by my hon. Friends, the Ministers, both present and past.

"Sir, my hon. Friend was quoting chapter and verse from the Act of the Central Government as if paragraph after paragraph has been taken from that Act to this Bill. I would appeal to him to say whether there is anything in that Act to show that the Government of India is given power to depute a person on their behalf to be present when the Public Services Commission interviews candidates. It is an unthinkable position. I do not know how the Select Committee tolerated this provision. This takes away the little respect that was attached to the Public Services Commission. If the Provincial Government which has got the authority to appoint persons sends its own man to be present at interview, while the Commission interviews the candidates, I do not think there can be any dignity for the Public Services Commission, not to speak of power.

"Then, Sir, I ask why again have the system of selection. For myself, I like that there should be communal justice, advocated by my friends both Brahmans and non-Brahmans in distributing these appointments. That being so, leave the recruitment to competitive examination on some well defined lines approved by this House. I do not know why there should be again a system of selection.

"Then, Sir, I come to clause 11 of the Bill. It is a very mischievous provision which proposes that the Commission will have the power to recommend persons for promotion to the higher services. Sir, this is again a very

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convenient back-door for the Executive Government and for the Ministers to see that undesirable people are promoted to the higher ranks of the services without the necessary ability, character and qualifications.

" Sir, there is another thing which is more mischievous than all the clauses put together, and that is, attempts have been made by the framers of this Bill to deprive the legislature of its financial control in regard to this body. Even in the case of the High Court, we have got the pay and allowances of the establishment budgeted, discussed and voted upon by this House, while all the expenses of the Commission is excluded from discussion by declaring them as non-votable by the Statute. I do not find why the pay of the Secretary of the Commission should be kept from the purview of this legislature, as also of the establishment. Where then is any chance for this House to discuss or pass any opinion over the work of the Commission? Quoting a parallel case, I say that this hon. House committed a blunder in the case of the Hindu Religious Endowments Bill. To-day we find that the Commissioners are quite safe with their appointments and that no hon. Member of this House can say one word about the work or otherwise of the Hindu Religious Endowments Board Commissioners. Similar will be the case with regard to this Public Services Commission. Speaking 4-15 p.m. of voting money for the High Court, I do not think that at any time this House passed any remarks not justified by reason or truth while voting the demands for grants. That being so, I do not find any reason why the Executive Government should be so anxious to exclude all discussions by the legislature in this case."

*The hon. the PRESIDENT :—" Order, order. The main point on which Mr. Satyamurti urged the adjournment of the consideration of this business was that great constitutional changes were impending and that all those provisions that dealt with the powers of the Public Services Commission might be a proper ground for examination, but the other provisions of the Bill are not to be examined in detail at this stage."

Sriman BISWANATH DAS Mahasayo :—" Then, Sir, the operation of the Public Services Bill excludes the selection of offices now held by the All-India Services. As has been alluded to by some of my hon. Friends who are expected to be in the know of things of what the coming changes would be and what important questions are being discussed by people higher than ourselves, I think there is much scope for further consideration. From a view of these questions, I find nothing will be lost by this postponement of the Bill for one year. The Selection Board which is going on can continue for one or two years if necessary. And until we know where we are, it is not desirable to have an Act like this and to saddle this Presidency with a recurring expense of Rs. 1,20,000 a year. With these words, I heartily support the motion for adjournment."

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I was not surprised at the opposition to the motion made by my hon. Friend the Member for the University, but I was really surprised at the reasons advanced by one or two speakers in regard to their opposition. The Member for the Planters was anxious to make out that we on this side were urging for this adjournment out of motives of a political nature, and out of motives that arise on account of the expected elections, but I may tell him frankly and plainly that an unsatisfactory Act made on the floor of this House will

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certainly be a greater weapon in our hands to beat our opponents with than a motion of this nature for an adjournment of this business. He over-shot himself and felt that he was making a point when he slung in our face this political motive. I am sorry that he has counted too much upon the strength of his comrades. Apart from that, there was a very peculiar argument put forth by my hon. Friend the floor leader of the Justice Party. He told us that this measure was a necessity at present and it was a necessity not so much for the effect of the Bill upon the administration, but because he believed that we had to copy the Central Government. He quoted line after line from the Act that applies to the Central Government and he told us that we were to copy the same in this Bill also. As a matter of fact, I searched the whole literature on the subject that the Government had been able to put before us to find out what really the object of this measure was. I find in the original Bill in the Statement of Objects and Reasons a similar statement made by the then Member in charge. The statement was merely this, that the Government of India had a Public Services Commission and the Madras Government should also have it. I am afraid, Sir, that it is very fallacious to go on that basis. Neither this Government nor any another official body in this country has made a recommendation on behalf of the Central Government that it should either be liberalized or democratized, but every conceivable Government has made this recommendation that in the coming constitution Provincial Governments should be mostly democratic and that responsibility should be conceded to the local Governments. That is the song that is being sung from official platforms also to-day. How in the world my hon. Friend the floor leader of the Justice Party makes out that what applies to, what is considered and what is believed to continue to be, a bureaucratic institution, shall not apply equally to what is believed to be going to be a democratic institution completely I am not able to realize. I am sorry that the bureaucratic mentality is swaying the attitude in regard to this Bill. The supporters of this Bill, though they are thinking in terms of democracy, though they are speaking in terms of responsible Government, though they are speaking in terms of making appointments, recruitments and things of that sort free from the complications that arise out of democratic elections and democratic institutions, though they are speaking in terms of all these considerations and ideals, they are still swayed by the bureaucratic ideals of having advisory bodies to guide the bureaucracy. It is a very wrong attitude to take. I urge that the making of this law should be left to more democratic brains than ours. The bureaucrat is still a bureaucrat. The so-called democracy under the present constitution which runs offices and which shows patronage is yet bureaucratic, because it has not democratized itself sufficiently to understand the implications of a Public Services Commission. It is all very well to say that a Public Services Commission is necessary and it is all very well to taunt us on this side that there has been a great demand for the Public Services Commission and that we should not impede the progress of the Bill at this stage. We have not to cry for the moon. We have cried for something that would be really practical. We do not want a toy. We undertook to allow this Bill and we allowed it to go to the Select Committee, in the hope that after all we might have something reasonable to go upon and something which would be useful to work out. As reasonable men we demanded a Public Service Commission and we did do all that was necessary to give a chance to its being enacted. But, the Select

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Committee has come out in its true colours and the bureaucratic side has had its full sway upon the Select Committee and when we know what the fate of our amendments will be to this Bill and when we are appraised of the situation that has arisen, we must, while yielding that a Public Service Commission is an essential thing in democratic institutions and essential also in bureaucratic institutions, oppose the rushing of this measure at present.

"It has also been pointed out, Sir, that rules will be made. We have known the meaning of 'rules', the import of 'rules' under the benign British Government, which has always managed to relegate all essentials to rule-making authorities. The rule-making authorities are none except the executive Government that exists at the time. In a Public Service Commission what is attempted to be done is to prevent the executive. . ."

* The hon. the PRESIDENT :—" I am afraid, that reference to the rule-making power in the provisions of the Bill will not be in order on this motion."

Mr. G. HARISARVOTTAMA RAO :—" I was merely referring to the argument that was advanced. Sir, it was also said that there would be a list of persons and the qualifications would be prescribed and the Government will have to choose from the list of persons recommended by the Public Services Commission. That is not a fact in this Bill. This Bill has got provisions to overrule even this minimum of safe-guard that the hon. Member was referring to. But, granting that this safeguard existed, it is not a safeguard in regard to individual appointments. Are not rules made, are not qualifications prescribed, are not list of persons made in the Staff Selection Board ; and yet, where is the necessity for a thing like the Public Services Commission Bill that is intended to be forced down the throats of the Legislative Council to-day ? I am appealing to the Members of this House to remember their responsibility to the coming generations. It is not right that we should proceed upon a fancied grievance against one party or another. I am sure that this adjournment motion has come in good for the country. I am sure that some of us, at any rate on this side, do not look upon it as a mere party question. I know that I am appealing vainly to my Friends in the other parties, but I do make this appeal because we are likely to proceed to a further evolution in the political advance of this country within a measureable distance of time and in view of the fact that democracy will be freer to make its own arrangements for the better control of its services. I am sure they will appreciate my point of view that this Bill should stand over till such time as will be necessary to enable us to see the bearings of a measure like this and as the new constitution is framed. I talk neither of Independence nor of Dominion Status on the floor of this House, but I speak of the coming measure of reform. We do not know what it will be, but it is acceded on all sides that it will be, some progress on what it is to-day and that it will be more democratic than what it is to-day. It is being made to appear that a change will take place in that direction. How much it will be or what value we should attach to it is a question that ought to be determined later on, but in so far as that is the basis upon which we are proceeding, I feel that this body has no right to dictate a thing under which the newly constituted Government will act. We have already been troubled in other directions by rushing legislation of this kind. I am referring to the legislation that a previous Council prepared for us and bequeathed to us and under which we

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have suffered all these years. Let us not bequeath in a similar manner a legislation that will hamper the real development of democracy in this country, that will hamper the real development of responsible Government in this country and that will hamper the true interests of the country. I do not wish to detain you very much longer, but I will merely make an appeal and I ask of you to remember that our idiosyncracies apart, our parties apart, we owe a duty to the country and on the threshold of momentous changes, it is not right that we should discharge a duty knowingly to the detriment of the coming generation."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I rise to oppose this motion. I do not wish to dwell very long upon the legal aspect with which my hon. Friend the Member of the University dealt at considerable length, for that is a matter for your decision, but I may mention that the Delegation rule 5 was passed after the draft Bill had been submitted
4-30 p.m. to the Government of India, and we have no reason to suppose that it was considered by the Government of India to be ultra vires of the Legislative Council after that rule had been passed. I do not wish to deal with the various points mentioned by honourable members which should be more appropriately dealt with in connexion with the amendments which are proposed to the present Bill, but there are one or two points of principle, to which I may perhaps refer.

" I hardly think the hon. Member for the University was really serious in suggesting that the Government undertook this legislation in order to provide three jobs for three favourites of the Government for the time being. It would be a very clumsy way of effecting that object. We have had to go to the Secretary of State for a rule and we have had to take a great deal of trouble in connexion with this Bill. The same argument would apply to any Bill even after the expected reforms have been carried out and it would indeed apply to any Bill which will, or which might be expected to, lead to the creation of new posts.

It has been suggested that the Staff Selection Board satisfies all necessary conditions which this Commission will fulfil. That, Sir, is a position which I must traverse. The Staff Selection Board is a small body of busy officials and a few non-officials and they do indeed only touch the fringe of the problem with which the proposed Services Commission will have to deal. The Staff Selection Board can deal with only a very small number of selections for certain higher posts and for certain posts in the Madras City. But there is a very large number of posts for which they make no selection whatever at the present time nor could they undertake to do so without being made a full time body as it is proposed to make the Madras Services Commission. It is for that reason that we require to have a body of gentlemen who can devote their whole-time to the questions which will be referred to them.

" The main argument, for the postponement of this Bill is based on the hope that in a short time another constitution may be set up in India. I do not propose to follow the honourable members in their speculations as to what is going to happen in the future. I am no prophet ; I have no means of knowing what will be the form of the next constitution, nor when it will come into force. But, Sir, I submit that the present constitution is admittedly transitory and has always been regarded as such. Although it is transitory,

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it is none the less our duty to carry on the functions of the Government until we are replaced by another form of Government. It would be very satisfactory to us to accept the argument that nothing more should be done now in the way of introducing new Bills or making any important changes in any way but that we should carry on merely what is now in existence and make no efforts to improve matters in any direction until the new reforms have been carried out. But, Sir, I do not think that we should be right in doing so. And there is another point, that this period of nine or ten years was meant to be a period of experiment, preparation and training during which we should gain experience and one of the matters in which we have found necessary to take action is this question of relieving the Government of having anything to do with selections for appointment to the services. And it is most desirable that this change should be made during this present transitory period. It is argued that if you make this law now it may require amendment at a later date. Well, Sir, it may or it may not. That is a matter for future consideration but there are very few laws which have been passed by this Council or any other legislative body which do not require amendment in course of time. I do not now suppose that this law will remain unaltered for ever. If amendment may be found necessary as the result of experience, that is no reason why we should not at once put this very necessary experiment into effect. It is based upon the rules and regulations constituting the functions of the Public Service Commission under the Government of India. We had the advantage of seeing that body in operation. There was every reason to hope that a similar commission here will be extremely beneficial and will relieve the services from any political influence. For this reason, Sir, I think that it is most desirable that this Bill should be passed at once so that we can gain experience from its working as well as have the advantage of being immediately relieved of any possibility of political influence in making selections for appointment to the services. The Ministers are in favour of this Bill, I believe, for similar reasons. And Sir Patro, an ex-Minister, has also spoken in favour of it from his own experience though another ex-Minister may hold the opposite view. So, Sir, I feel very strongly that we ought to deal with the Bill at once and carry it into law at the earliest possible moment."

Mr. C. V. Venkataramana Ayyangar :—"I am sorry, Sir, to say that we have been so much disappointed by the way in which this adjournment motion has been opposed by friends on the other side. Briefly put, this is a matter on which our first fear is we are going to waste a large sum of money. It is admitted on all sides that the setting up of this commission will be a very costly business. We would nevertheless be quite willing to agree to this waste of money being considered ordinary expenditure if it satisfies any ordinary man of common sense that the expenditure is on something useful We are told that the members of the Commission ought to be independent. What is the independence which is thought of? They are appointed by the Government and told : If you are good boys and obey us, you can be holding the appointment for ever. Practically it is a life appointment. No restriction is placed upon the tenure of these members except of course the old age limit of 60 years. Therefore as soon as a member is appointed, he is told by the Government : 'Good boy ; be good and the result will be you will be enjoying the pleasures of the office for ever. If you at any time displease us, however, there is the cudgel, the sword over your head and we will dismiss you at once.' This dismissal is not a mere

dismissal but has got additional disadvantages. For the dismissed man shall not get any appointment under Government. One of the sections says that that member of the Commission so dismissed shall never be given any appointment under Government. Therefore, the result is so serious, the punishment so great, that no man of ordinary common sence can be expected to be in the least degree independent. Supposing they are independent, supposing some of them in spite of the risks have the conscience to be independent, have they powers? That is the most important thing. This Bill says that this machinery set up at such a huge cost with all this paraphernalia may be idle for ever. They may draw the pay and still have no work. The Bill does not compel the Government to refer every matter to the Commission. They need not and will not, if they have reason to apprehend any difference of views on the part of the members. Even supposing for fear of public criticism, the Government go on consulting the Commission on any and every point, what is the result? My hon. Friend, Sir Patro, who is generally correct in his statements, made one incorrect statement to-day. He said that every man to be appointed to any service should be certified by the Commission. It is a mistake. He says, no, no. But I have studied the Bill very carefully and I have mentioned it in my minute of dissent that the Bill does not compel the Government to appoint any one recommended by the Commission. The Commission may recommend 20 people in order of merit but the Government are not bound to appoint any one of them. They can take one outside the list and I challenge anybody here to say 'no'. Therefore, Sir, we go through the process of the matters being referred to the Commission, we go through the process of the Commission holding examinations, having interviews and making recommendations and still the Bill will not compel the Government to make the appointments out of the persons recommended or certified by the Commission. If that is the object of paying this large sum of money on the Commission, I do say, Sir, that it is absolutely unjustifiable. It is not only that but it is also unnecessary. It was asked, no doubt pertinently to some extent, what are we to do. For all these nine years, the Legislative Council Members and Ministers have been bombarded by their supporters, the voters, with requests for appointments. But does this particular Commission in any way solve the trouble. The hon. the Revenue Member referred to the Staff Selection Board. Does this Commission in any way differ from the Staff Selection Board excepting that it will be a very costly business. He said that at present the Saff Selection Board could not deal with all recruitments and nominations and all the questions referred to them. The Government are to blame for that. But once the Staff Selection Board makes the selection, there is no rule but an understanding that the Government should and are in practice selecting people out of the list recommended by the Board. Even that is not to be in the case of this Commission. The Staff Selection Board may function for a few more days with probably a few more additions. Is there anything to prevent the Government from enlarging the strength, and the scope of the Board? Have the Government found any difficulty in getting qualified people by means of the Staff Selection Board? Has there been any complaint that, so far as the Staff Selection Board is concerned, they have exercised their patronage on wrong lines? Why should we then change the Staff Selection Board into a Commission unnecessarily? Is the Commission to have greater powers, is it to be more useful or is it to be more independent? Nothing of the kind takes place. The only difference in the situation is, as I said, we

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will have this costly machinery established. Probably as time goes on, it may be found necessary to add to the number of members on the Commission, the Government may well say that the Commission have so recommended and that they are to act upon it.

"Then, Sir, there is another alteration. They say that the Staff Selection Board is useless. Now, Sir, there is, as a matter of fact, the Indian Public Services Commission. Under the present rules governing that Commission, this Government can ask them to function in regard to this province. Sir, I want also to know what has been done by all the other provinces. May I know why this Government alone is asking for this legislation in this matter? I do not think any other province has got a similar Act as is now proposed to be enacted here. I am suprised that the hon. Member Mr. James representing to-day on this matter the European group should have opposed this motion. Probably second thoughts made him oppose this motion. But I understood him in his speech to say that there are very desirable amendments of which we have given notice which may be passed. I may tell him, Sir, and those who think with him that under the advice of the Advocate-General and probably on the objections raised by the other side, you may probably rule many of them as *ultra vires* and not allow them to be moved in view of the Delegation Rules. The Delegation Rules, as Mr. Satyamurti said, are inconsistent. If you look at the history of these rules you will find that rule 3 was made before this Council came into existence, and that rule 5 has been added afterwards. Probably this Government is anxious to get this power to establish this Commission, and they do not want the Government of India or the All-India Commission to make the initial appointments. They want to have some power in their hands by means of which they can avoid going before the Government of India. So they asked the Secretary of State in haste for this power and for this protection. And probably the Secretary of State relying on the advice of the man on the spot sanctioned this rule all of a sudden. I may explain that rule 5 would not ordinarily be sanctioned by any reasonable Secretary of State if he only took the matter into deep consideration. The only objection raised for the adjournment of this matter for one year is this. Mr. Satyamurti raised the question of adjournment on the important point of jurisdiction. In my minute of dissent I have referred to the other ground. We say that this Government may ask the present Secretary of State to go into the matter very carefully as regards the question of these rules and give us more powers on the lines of the amendments which are considered reasonable. And I would also request that no point of order may be raised by my hon. Friends there. One of my hon. Friends raised the point of order against these amendments in the Select Committee, these very reasonable amendments. I do not blame him. So, one object that will be gained by postponing the matter for one year is, it will enable the Government to go to the present Secretary of State and tell him that his predecessor was hasty in making these unnecessary and conflicting rules, and probably we may make this Bill itself more reasonable and this Commission independent. Therefore, Sir, we strongly support this motion and the Government and the House will not lose anything by postponing this measure and passing this motion, whereas they will not gain anything at all by opposing this motion."

4-45 p.m.

The hon. the President:—"The question is *that this business be adjourned for a year*."

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The motion was declared lost. Mr. Harisarvottama Rao demanded a poll which was accordingly taken with the following result :—

Ayes.

1. Mr. P. C. Venkatapathi Raju.
2. ,, K. Koti Reddi
3. ,, R. Srinivasa Ayyangar.
4. ,, Sami Venkatachelam Chetti.
5. ,, S. Satyamurti.
6. ,, C. V. Venkataramana Ayyangar.
7. ,, J. A. Saldanha.
8. ,, G. Harisarvottama Rao.
9. ,, Basheer Ahmed Sayeed.
10. ,, C. S. Govindaraja Mudaliyar.
11. ,, Abdul Hameed Khan.
12. ,, L. K. Tulasiram.
13. ,, K. V. R. Swami.
14. ,, D. Narayana Raju.
15. Dr. B. S. Mallayya.
16. Mr. K. R. Karant.
17. ,, K. Madhavan Nayar.
18. ,, A. Parasurama Rao.
19. Mr. C. Ramasomayajulu.
20. ,, T. Adinarayana Chettiyar.
21. ,, Ahmed Meeran Sahib.
22. Sriman Biswanath Das Mahasayo.
23. Mr. A. Kaleswara Rao.
24. ,, K. Uppi Sahib.
25. ,, C. N. Muthuranga Mudaliyar.
26. ,, K. V. Krishnaswami Nayakar.
27. ,, C. Venkatarangam Nayudu.
28. ,, B. Venkataratnam.
29. ,, A. Ranganatha Mudaliyar.
30. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
31. Mr. Ramanath Goenka.
32. ,, R. Nagan Gowda.
33. ,, K. R. Venkatarama Ayyar.
34. ,, Chavadi K. Subrahmanya Pillai.
35. ,, P. Siva Rao.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, Dr. P. Subbarayan.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, ,, M. R. Seturatnam Ayyar.
8. Mr. Alladi Krishnaswami Ayyar.
9. ,, Hilton Brown.
10. ,, H. A. Watson.
11. ,, A. G. Leach.
12. ,, J. Gray.
13. ,, S. V. Ramamurti.
14. ,, C. B. Cotterell.
15. ,, M. A. Manikkavelu Nayakar.
16. ,, Syed Tajudin Sahib.
17. ,, C. D. Appavu Chettiyar.
18. ,, H. B. Ari Gowder.
19. ,, A. B. Shetty.
20. ,, J. A. Davis.
21. ,, R. Foulkes.
22. ,, P. J. Gnanavaram Pillai.
23. ,, Mahmud Schamnad.
24. ,, Muppil Nayar of Kavalappara.
25. Subadar-Major S. A. Nanjappah Bahadur.
26. Mr. T. M. Narayanaswami Pillai.
27. ,, K. Krishnan.
28. ,, N. Siva Raj.
29. ,, M. V. Gangadhara Siva.
30. ,, V. I. Muniswami Pillai.
31. ,, W. P. A. Soundara Pandiya Nadar.
32. Mr. S. Subrahmanya Moopanar.
33. ,, Daniel Thomas.
34. ,, S. Venkiah.
35. Rao Sahib R. Srinivasan.
36. Mr. C. E. Wood.
37. ,, A. J. Leech.
38. ,, R. J. C. Robertson.
39. ,, H. F. P. Hearson.
40. ,, S. N. Dorai Raja.
41. ,, S. Arpudaswami Udayar.
42. ,, K. Ramachandra Padayachi.
43. ,, U. Ramaswami Ayyar.
44. ,, C. Gopala Menon.
45. ,, B. Ramachandra Reddi.
46. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
47. ,, Sir A. P. Patro.
48. Diwan Bahadur P. C. Ethirajulu Nayudu.
49. Mr. P. T. Rajan.
50. ,, T. K. Chidambaranatha Mudaliyar.
51. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
52. Mr. Khadir Mohideen Sahib.
53. Diwan Bahadur S. Kumaraswami Reddiyar.
54. Khan Sahib T. M. Moidoo Sahib Bahadur.
55. Rao Bahadur K. Sitarama Reddiyar.
56. ,, B. Muniswami Nayudu.
57. Diwan Bahadur A. M. M. Murugappa Chettiyar.
58. Zamindar of Mirzapuram.
59. Mr. A. V. Bhanoji Rao.

Neutral.

1. Zamindar of Seithur.

Ayes 35. *Noes* 59. *Neutral* 1.

The motion was declared lost. The motion that the Bill as amended by the Select Committee be taken into consideration was then put and carried.

The Bill was then considered clause by clause.

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Clauses 1 and 2 were consecutively put, passed and added to the Bill.

Clause 3 was also put, passed and added to the Bill.

Clause 4.

Mr. BASHEER AHMED SAYEED :—" Mr. President, Sir, I move that after the word '*appointed*' the words '*for a period of five years*' be added. In moving this amendment I wish to point out that in the clause in the Bill under consideration there is no period limited for the members of the Board. The clause says that they shall be appointed and may be removed by the Governor in Council, but the period for which they have to serve as such members, either as Chairman or as Members of the Commission is not fixed. It is necessary that there should be some period specified for which these appointments should be made. There is a later section in the Bill which says that no member shall be appointed after he is 60 years of age. When that rule exists I should prefer, Sir, that people of experience and age should be appointed and when they are appointed, they should know for what period they are to serve on the Commission. Besides, when once appointments are made, it is hardly possible or desirable that the persons so appointed should be sent out by the Governor in Council. But when occasions arise when some people should be relieved of their duty as members of the Commission, it becomes incumbent that they should be removed. But when there is no limit fixed for the time for which they would serve on the Commission, no one knows where things would lead to. So, it is thought essential that a period of five years should be fixed for the membership and also for the Chairmanship of the Commission. I therefore move this amendment."

Mr. J. A. SALDANHA :—" Sir, I second this amendment, and for this reason. The members of the All-India Public Services Commission are appointed for a period of five years, and I do not see any reason why such a limit should not be fixed in this Bill also. Besides, it is desirable that the period for which these gentlemen are to serve should be fixed. It is desirable that not only people of 60 years of age but old fossils should not serve on it, and it is necessary that the period should be fixed for retirement. Therefore I second this motion."

The House then adjourned to meet again at 11 a.m. the next day.

XII

PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Proceedings of the* 9*th and* 10*th meetings of the Finance Committee held on the* 11*th and* 20*th March* 1929 *respectively.*[a]

2. *List of posts on Rs.* 500 *and above created during the quarter ending March* 1929.[b]

3. *G.O. No.* 271, *Finance, dated* 4*th April* 1929, *communicating corrections in the first edition of the Civil Budget Estimates for* 1929-30.[a]

4. *G.O. No.* 620, *Development, dated* 4*th April* 1929, *recording Audit Report of the Cinchona Department for the year* 1927–28, *and* 30*th June* 1929.[a]

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[a] Printed separately. [b] Printed as Appendix X on pages 133—135 infra.

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5. *G.O. No.* 706, *Development, dated* 15*th April* 1929, *recording the Audit Report of the Government Industrial Institute, Madura, for the year ending* 31*st March* 1928.[c]

6. *G.O. No.* 799, *Development, dated* 3*rd May* 1929, *recording the Audit Report for* 1927–28 *on the Agricultural College Diary.*[c]

7. *G.O. No.* 806, *Development, dated* 6*th May* 1929, *recording the Audit Report of the Chenat Nair Forests for* 1927–28.[c]

8. *G.O. No.* 850, *Development, dated* 14*th May* 1929, *recording the Audit Report of the Government Industrial Institute, Madura, for the quarter ending* 30*th June* 1928.[c]

9. *G.O. No.* 853, *Development, dated* 14*th May* 1929, *recording the Audit Report on the Government Industrial Institute* (*Ink Factory*), *for the half-year ending* 30*th September* 1928.[c]

10. *G.O. No.* 856, *Development, dated* 14*th May* 1929, *recording the Audit Report of the Kerala Soap Institute, Calicut, for the quarter ending* 30*th June* 1928.[c]

11. *G.O. No.* 990 *I., Public Works and Labour Department, dated* 22*nd March* 1929, *publishing the Special Executive Engineer's Report on the Second Crop Irrigation in the Godavari Western Delta.*[c]

12. *G.O. No.* 991, *Development, dated* 10*th June* 1929, *recording the Audit Report of the Government Industrial Institute, Madura, for the quarter ending* 30*th September* 1928.[c]

13. *G.O. No.* 993, *Development, dated* 10*th June* 1929, *recording the Audit Report of the Government Industrial Institute, Madura, for the quarter ending* 31*st December* 1928.[c]

14. *G.O. No.* 996, *Development, dated* 10*th June* 1929, *recording the Audit Report of the Industrial Engineering Workshop, Madras, for the quarter ending* 30*th June* 1928.[c]

15. *G.O. No.* 1776, *L. & M., dated* 16*th April* 1929, *reviewing the Annual Consolidated Report on the Accounts of Local Bodies for* 1927–28.[c]

16. *G.O. No.* 1788-*I., Public Works and Labour Department, dated* 15*th June* 1929, *communicating the sanction of the Secretary of State to the revised estimate for the Cauvery-Mettur Project.*[d]

17. *Memorandum No.* 21232–1/*B*-1, *L. & M., dated* 12*th June* 1929, *issuing errata to G.O. No.* 1776, *L. & M., dated* 6*th April* 1929.[c]

18. *Notification regarding the supersession of the Anakapalle Municipality for two years.*[e]

19. *Reports of the Special Officer on the Survey of Cottage Industries in the districts of Salem, Guntur, Coimbatore, Ganjam, East Godavari, Chingleput, Tanjore, South Arcot, Vizagapatam, Nellore, Kistna, West Godavari and Chittoor.*[c]

20. *Report of the Special Officer on the Survey of Cottage Industries in the district of North Arcot.*[c]

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[c] Printed separately. [d] Printed as Appendix XI on page 135 infra.
[e] Printed as Appndix XII on page 136 infra.

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21. *Report of the Special Officer on the Survey of Cottage Industries in the Madras Presidency.*[f]

22. *Statement of resolutions passed by the Madras Legislative Council during the third session of the third Legislative Council,* 1928-29, *and the action taken thereon by the Government.*[g]

23. *Copy of the report showing the income from and the expenditure on the fish ponds at Sunkesula and Praema (vide answer to question No.* 1413 *answered on* 25*th February* 1929).[h]

24. *Copy of the report of the Honorary Organizer of Panchayats on the alleged irregularities in the Nagandur Village Panchayat and the Proceedings of the Registrar-General of Panchayats thereon (vide answer to supplementary question to question No.* 1322 *answered on* 1*st February* 1929).[i]

25. *Copy of the report regarding the alleged ill-treatment of persons connected with the Koilpatti sedition case (vide answer to the supplementary question to question No.* 1829 *answered on* 23*rd March* 1929).[j]

26. *Copy of the statement showing the number of cotton spinning mills working in the Madras Presidency (vide answer to supplementary questions to question No.* 1840 *answered on* 23*rd March* 1929).[k]

27. *Copy of the report regarding the work done by the water diviner in Bellary (vide answer to supplementary question to question No.* 1519 *answered on* 28*th February* 1929).[l]

28. *Copy of the report regarding the work done by weaving parties during* 1927–28 (*vide answer to supplementary question to question No.* 1853 *answered on* 25*th March* 1929).[m]

29. *Copy of the report regarding the traffic on the Narasapur-Razole ferry, West Godavari district (vide answer to question No.* 1627 *answered on* 2*nd March* 1929).[n]

30. *Copy of the reports regarding the rise in the price of firewood in the Madras City due to the closure of the Buckingham Canal (vide answer to question No.* 1751 *answered on* 15*th March* 1929).[o]

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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f Printed separately.
g Printed as Appendix XIII on pages 136–137 infra.
h Printed as Appendix XIV on pages 137–138 infra.
i Printed as Appendix XV on pages 139–140 infra.
j Printed as Appendix XVI on page 141 infra.
k Printed as Appendix XVII on page 142 infra.
l Printed as Appendix XVIII on page 143 infra.
m Printed as Appendix XIX on page 144 infra.
n Printed as Appendix XX on page 144 infra.
o Printed as Appendix XXI on pages 145–146 infra.

Appendix I.

[Vide answer to question No. 4 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 6th August 1929, page 15 supra.]

Government factories.

Army clothing	1
Engineering, general ...	5
Dockyards	4
Forage Press	1
Ordnance Factories	2
Printing Presses	5
Saw Mills	4
Miscellaneous	5
	27

Local fund factories.

Electrical Engineering ...	1
Engineering, general ...	1
Water pumping stations ...	3
	5

Factories owned by private persons.

Textiles—	
Cotton spinning and weaving and other factories	21
Hosiery	5
Jute Mills	4
Silk	2
Miscellaneous	2
Engineering—	
Coach building and motor repairing	14
Electrical engineering ...	2
Electrical generating and transforming stations ...	2
General engineering ...	15
Kerosene tinning and packing	8
Railway workshops ...	20
Tramway workshops ...	1
Miscellaneous	1
Minerals and metals—	
Foundries	8
Miscellaneous	7
Food, drink and tobacco—	
Bakeries, biscuit and confectionery	2
Breweries and distilleries ...	8
Coffee	15
Tea and ærated waters ...	5
Rice Mills	462
Sugar	8
Tea	60
Tobacco	4
Miscellaneous (groundnut decorticating)	148
Chemical dyes, etc.—	
Bones and manures ...	5
Chemicals	1
Gas works	1
Oil Mills	20
Miscellaneous	2
Paper and Printing—	
Printing, book-binding, etc.	52
Miscellaneous	...
Process relating to wood, stone and glass—	
Brick and tiles	52
Saw Mills	6
Carpentry and cabinet making	3
Miscellaneous	4
Process connected with skins and hides—	
Leather and shoes ...	5
Tanneries	6
Miscellaneous	...
Gins and Presses—	
Cotton ginning and baling.	363
Jute presses	3
Miscellaneous	3
Miscellaneous—	
Laundries	1
Rope works	6
Miscellaneous	5
Total ...	1,393

Appendix II.

[Vide answer to question No. 5 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 6th August 1929, page 16 supra.]

Statement showing the number of motor vehicles and the number of accidents, etc., in the City of Madras and in each district of the Presidency in 1928.

District.	Number of motor-cars in Madras City and in each district of this Presidency at the end of 1928. (a)	Number of motor-cars plying for hire in Madras City and in each district of this Presidency at the end of 1928. (b)	Number of motor-buses plying for hire in Madras City and in each district of this Presidency at the end of 1928. (c)	Number of accidents. (1) Motor-cars. Cars. (d) 1	Number of accidents. (2) Motor-buses in Madras City and in each district of the Presidency attended with injuries to persons and loss of life in 1928. Busses. (d) 2	Number of persons who have received injuries and of those whose lives were lost as a result of motor car and bus accidents in Madras City and in each district of the Madras Presidency in 1928. Injured. (e) 1	Killed. (e) 2	The main causes of these accidents in the order of their frequency. (f)
Ganjam	180	120	50	7	8	24	5	Negligence on the part of drivers.
Vizagapatam ..	520	19	95	1	4	5	5	Driver's lack of nerve, presence of mind, and power to decide and act quickly in emergencies. Negligent driving, excessive speed and carelessness of pedestrians.
Godavari, West ..	167	65	38	7	Nil.	12	3	Negligence and rash driving.
Godavari, East ..	145	33	227	2	14	17	5	Rash driving and carelessness of pedestrians.
Kistna	148	60	131	12	14	35	5	Incompetence and lack of judgment on the part of drivers. Congenital folly of the average pedestrian, bullock cart-man's inveterate determination to delegate the choice of line to his bulls leaving him free to sleep, and bad roads.

Statement showing the number of motor vehicles and the number of accidents, etc., in the City of Madras and in each district of the Presidency in 1928—*cont.*

District.	Number of motor-cars in Madras City and in each district of this Presidency at the end of 1928. (*a*)	Number of motor-cars plying for hire in Madras City and in each district of this Presidency at the end of 1928. (*b*)	Number of motor-buses plying for hire in Madras City and in each district of this Presidency at the end of 1928. (*c*)	Number of accidents. (1) Motor-cars. Cars. (*d*) 1	Number of accidents. (2) Motor-buses in Madras City and in each district of the Presidency attended with injuries to persons and loss of life in 1928. Buses. (*d*) 2	Number of persons who have received injuries and of those whose lives were lost as a result of motor-car and bus accidents in Madras City and in each district of the Madras Presidency in 1928. Injured. (*e*) 1	Killed. (*e*) 2	The main causes of these accidents in the order of their frequency. (*f*)
Guntur	150	17	62	4	11	30	3	The accidents are mainly due to ignorant people running across roads and also rash driving.
Nellore	35	Nil.	113	6	1	7	3	Two accidents due to rash driving and five are pure accidents.
Cuddapah	47	28	80	1	9	13	3	Rash driving and carelessness on the part of pedestrians.
Anantapur ..	29	5	55	1	5	6	2	Rash driving and accidental.
Bellary	101	10	141	6	8	19	2	Pedestrians crossing at the last moment, passenger jumping from bus in motion, and rash driving.
Kurnool	47	16	80	1	1	6	1	Rash driving.
Madras .. .	3,112	130	525	* 269		† 25		Rash or negligent driving of one kind and drivers losing their heads.
Chingleput ..	249	Nil.	211	11	19	43	9	Rash or negligent driving and negligence of victims.
Chittoor	50	3	137	Nil.	4	36	3	Rash and negligent driving.
North Arcot ..	135	23	272	11	30	30	2	Rash driving and negligence of pedestrians.
South Arcot ..	105	28	97	5	5	9	1	Rash and negligent driving and carelessness of victims.

* Separate figures for bus and car accidents not available.
† Separate figures not available for accidents attended with injury to person and loss of life.

Statement showing the number of motor vehicles and the number of accidents, etc., in the City of Madras and in each district of the Presidency in 1928—*cont.*

District.	Number of motor-cars in Madras City and in each district of this Presidency at the end of 1928. (a)	Number of motor-cars plying for hire in Madras City and in each district of this Presidency at the end of 1928. (b)	Number of motor-buses plying for hire in Madras City and in each district of this Presidency at the end of 1928. (c)	Number of accidents. (1) Motor-cars. Cars. (d) 1	Number of accidents. (2) Motor-buses in Madras City and in each district of the Presidency attended with injuries to persons and loss of life in 1928. Buses. (d) 2	Number of persons who have received injuries and of those whose lives were lost as a result of motor-car and bus accidents in Madras City and in each district of the Madras Presidency in 1928. Injured. (e) 1	Killed. (e) 2	The main causes of these accidents in the order of their frequency. (f)
Tanjore	578	60	197		* 41	Information not available.		Rash driving and carelessness of pedestrians.
Trichinopoly ..	138	46	116	11	9	24	7	Pedestrians' ignorance of the rules of the road and rash driving.
Madura	341	30	400	7	50	54	25	Rash and negligent driving and negligence on the part of the pedestrians.
Ramnad	1,157	105	358	8	19	70	9	Negligent and rash driving.
Tinnevelly ..	400	27	286	1	27	Nil	10	Negligence on the part of the pedestrians.
Coimbatore ..	1,162	55	355	12	40	79	10	Rash and negligent driving, negligence of the victims and defects in motor vehicles.
Nilgiris, The ..	1,420	43	32	3	3	13	2	Fast and reckless driving, narrow roads and short corners on ghat roads and negligence on the part of the pedestrians.
Salem	144	45	224	7	12	14	13	Carelessness and rash driving of the drivers and the contributory negligence on the part of the injured.
Kanara, South ..	188	55	148	14	15	37	10	Rash driving and accidents.
Malabar	932	80	420	No information.		No information.		Rash driving, mechanical defects of cars, carelessness of pedestrians, vagaries of bullock and their drivers, and bad roads.
Mettur	15	2	9	1	1	2	Nil.	Rash and negligent driving.

* Separate figures for bus and car accidents not available.

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Appendix III.

[Vide answer to question No. 11 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 6th August 1929, page 20 supra.]

1869 Q.—Mr. T. Adinarayana Chettiyar: Will the hon. the Law Member be pleased to state—

(a) whether the ryots of Palur, Rasapoliyam, Pudur, Rangapuram and other villages in Vellore taluk, North Arcot district, petitioned on 7th August 1928, the authorities for permission to graze their cattle in the Senenkuppam Settikinar reserved forest and also to erect a 'patti' to pen their cattle during nights;

(b) whether permission was accorded by the Forest Ranger, Odugathur, on 11th February 1929;

(c) whether the above ranger on 12th February 1929 asked the village munsif to have it tom-tomed in the village that the ryots should not take their cattle to the reserve in mamul way, crossing Pallor, Ammata Kuttai Sarhath;

(d) whether on one occasion the forest guard beat the ryots and closed the path to the reserved forest; and

(e) whether the Government are aware that the ryots suffer much for want of grazing facilities for their cattle in this hot weather?

A.—(a) Yes, the ryots applied for permission to pen their cattle near Chettikinar and the petition was received in the Range office, Odugathur, on 7th September 1928. The range officer submitted the petition to the District Forest Officer, Vellore, with his remarks on 10th September 1928 and orders for the issue of licences were issued to the range officer on 30th November 1928.

(b) Yes, the range officer issued the licences on 11th February 1929. The ryots did not come for them till then though they knew that licences were obtainable.

(c) Yes, when the licences were granted, certain conditions were required of the ryots and one of these conditions was that they should not take their cattle along the footpath under reference which traverses worked coupe V of Agaram fuel felling series and which is neither a customary path nor a right of way. The conditions were all reduced to writing and the signatures of the permit-holders were obtained on them and for greater publicity they were proclaimed by beat of tom-tom.

(d) The hon. Member is requested to give information as to the name of the forest guard and a fuller description of the path.

(e) The Government understand that in the hot weather the cattle do not as a rule go to the hills on account of water scarcity but graze in harvested fields.

APPENDIX IV.

[Vide answer to question No. 12 asked by Sriman Biswanath Das Mahasayo at the meeting of the Legislative Council held on the 6th August 1929, page 21 supra.]

District.	Name of estate.	Date.	At whose instance.
North Arcot ..	*1. Kangundi	8th October 1884 ..	At the request of the Court of Wards.
	2. Arni	22nd August 1904 ..	Do.
	3. Thimmajiamma's estate.	4th May 1912 ..	Do.
Trichinopoly ..	4. Marungapuri estate.	20th January 1891 ..	Do.
	*5. Kadavoor	20th October 1911 ..	Do.
	6 Agrahara Valavandi mitta.	24th July 1913 ..	At the request of the proprietor.
Vizagapatam.	7. Jeypore	17th June 1891 ..	At the request of the Court of Wards.
	8. Vizianagram ..	15th February 1896.	At the request of the proprietor.
	9. Salur	8th June 1912 ..	Do.
	10. Kuruppam	2nd June 1914 ..	Do.
	11. Madgole	23rd September 1915.	At the request of the Court of Wards.
	12. Bobbili	24th January 1924 ..	At the request of the proprietor.
	13. Bissumcuttack ..	11th October 1926 ..	Do.
Madura ..	14. Saptur	26th January 1893 ..	At the request of the Court of Wards.
	15. Yelumalai	9th February 1920 ..	At the request of the proprietor.
Tinnevelly ..	16. Sivagiri	4th January 1902 ..	At the request of the Court of Wards.
	17. Chokkampatti mitta.	6th March 1912 ..	At the request of the proprietor.
Ganjam ..	18. Parlakimedi ..	23rd October 1908 ..	At the request of the Court of Wards.
	19. Jalantra	16th June 1911 ..	At the request of the proprietor.
	20. Kallikota and Attagada.	12th October 1912 ..	At the request of the Court of Wards.
	21. Dharakota	18th November 1924.	The Raja of Dharakota.
Tanjore ..	22. Chatram Forests ..	11th October 1909 ..	The Manager of the chatram villages.
Kistna .	23. Vuyyuru	21st October 1910 ..	At the request of the Court of Wards.
	24. South Valluru ..	14th October 1912 ..	Do.
	25. Mirzapuram ..	30th September 1913.	Do.
Nellore ..	26. Chundi	20th May 1911 ..	Do.
Chittoor ..	27. Punganur	20th December 1913.	At the request of the proprietor.
Ramnad ..	28. Settur	3rd November 1914 ..	Do.
	29. Sivaganga	26th January 1922 ..	At the request of the Court of Wards.
Salem	30. Shulagiri	6th March 1924 ..	Do.
	31. Berikai	28th September 1915.	Do.

* Since cancelled.

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APPENDIX V.

[Vide answer to question No. 18 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 6th August 1929, page 27 supra.]

Rates to be adopted in valuing trees on darkhast lands.

I. Fruit trees.
II. Bamboos and rattans.
III. Sandalwood, cinnamon and catechu trees.
IV. Other reserved and classified trees.
V. Scrub jungle (exclusive of III).

I. For fruit trees such as mango, tamarind, wild apple, custard apple, cashew, guava, wild gooseberry, gallnut and soapnut—

Girth in feet at 4 feet from the ground.

Girth	Rate. RS.	A.
Less than 1 foot	0	4
From 1 to 2 feet	1	0
,, 2 to 3 ,, ...	1	8
,, 3 to 4 ,, ...	2	0
,, 4 to 5 ,, ...	2	8
Above 5 feet	3	0

A cart-load is to be calculated at 15 cubic feet.

II. For bamboos and rattans—

	Number.	Head-load rate. A.	P.
Large bamboos	5	1	0
Small do.	10	1	0
Rattans		2	0

NOTE.—The number of culms should be counted and converted into head-loads, 200 small bamboos or 100 large bamboos equal to a cart-load.

III. For sandalwood, cinnamon and catechu trees—

For sandalwood trees.

Trees under 6″ in girth	Free.
,, from 6″ to 9″ in girth	Re. 1 each.
,, from 10″ to 18″	Rs. 4 ,,
,, from 19″ to 24″	,, 10 ,,
,, from 24″ in girth	,, 20 ,,

NOTE.—Sandalwood trees are to be measured 1 foot above the ground.

For catechu (Acacia catechu) trees.

Under 6″ in girth	Free.
From 6″ to 12″	Re. 1
,, 13″ to 18″	Rs. 2
19″ and above 19″ in girth	,, 3

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For cinnamon (Cinnamonum Zeylanicum) trees.

	RS.	A.
From 6″ to 12″	1	0
,, 13″ to 24″	2	0
Over 24″	3	0

IV. For all other reserved and classified trees except those under 6 inches in girth which would be considered as firewood the rules of valuation and rates to be adopted are as follows :—

Every reserved or classified tree will have to be measured and the cubical contents of the timber found out by the application of the following formula :—

$$\frac{\left(\frac{\text{Girth}}{4}\right)^2 \times \text{Length}}{144} = \text{Cubical contents.}$$

Girth = Girth of a tree taken 4 feet above the ground in inches.
Length = Length of a tree in feet.

Length of a tree in feet is to be taken as high as a decent marketable timber piece could be obtained, no matter whether there is a small branch somewhere below. Having thus obtained the cubical contents of the tree, its value is to be calculated at the rate given in the statement below after ascertaining with reference to Appendix B the group of the village wherein the tree is

Examples.—(1) Wanted the value of a kiralbogi tree in Todar village measuring 60 inches in girth, its length of bole is 36 feet (though there is a small branch at 28 feet high)—

Cubical contents of a tree—

$$\frac{\left(\frac{60}{4}\right)^2 \times 36}{144} = 56{\cdot}25 \text{ c.ft.}$$

Todar village as per Appendix B is a village of II group. Value of a cubic foot of kiralbogi in group II = 7 annas. Value of the tree = 56·25 × 7 annas = Rs. 24–9–9.

(2) Wanted the value of a teak tree in Bayaru 44 inches in girth and 24 feet long.

Cubical contents—

$$\frac{\left(\frac{44}{4}\right)^2 \times 24}{144} = 20{\cdot}16 \text{ c ft.}$$

Bayaru is of the I group and value of teak in group I is 14 annas. Value of the tree = 20·16 × 14 annas = Rs. 17–10–2.

Reserved trees of South Kanara district.

Description of trees.			Price per cubic foot.		
Botanical name.	Kanarese name.	English name.	I group.	II group.	III group.
			RS. A. P.	RS. A. P.	RS. A. P.
Tectona grandis	Saguvani	Teak	0 14 0	0 10 0	0 6 0
Dalbergia latifolia	Biti	Blackwood	0 14 0	0 10 0	0 6 0
Ptorocarpus marsupium	Benga	Kino	0 10 0	0 7 0	0 3 0
Basia longifolia and latifolia	Ippe	....	0 10 0	0 6 0	0 2 0
Artocarpus hirsuta	Hebbalsu	Wild jack	0 12 0	0 8 0	0 4 0
Artocarpus integrifolia	Halasu	Jack	0 12 0	0 8 0	0 4 0
Diospyros ebenum and melonxylon.	Karimara	Ebony	1 4 0	1 0 0	0 12 0
Xylia dolabriformis	Tirwa or jambe	Ironwood	0 10 0	0 6 0	0 3 0
Ponagamia glabra	Honge	....	0 8 0	0 4 0	0 1 0
Myristica Melabarica	Ramapatri	Wild nutmeg	0 8 0	0 4 0	0 1 0
Calophyllum elatum	Sribonne	Poonspur	0 12 0	0 8 0	0 4 0
Hopea parviflora	Kiralbogi	....	0 10 0	0 7 0	0 4 0
Nux vomica	Kasarka	(Per tree above 2 feet in girth).	2 0 0	1 8 0	1 0 0

Classified trees.

Class I—					
Terminalia tomentosa	Banapu or matti	....			
Calophyllum wightianam	Kalluhonne	....	0 8 0	0 6 0	0 4 0
Vitex altissima or pubescens	Myrole	....			
Lagerstrœmia Microcarpa	Bolandur or Benteak Billinandi.	Benteak			
Terminalia paniculata	Marwa or Honnagalu	....			
Cedrela Toona	Kempu gandhagiri	Red cedar	0 3 0	0 2 6	0 2 0
Eugenia Gardneri	Bilitirpu	....			
Class II—					
Lagerstrœmia Flos Reginae	Challa	....			
Albizzia Lebbek	Pulibagi	....			
Albizzia Odoratissima	Kalbagi	....	0 1 6	0 1 3	0 1 0
Albizzia Procera	Adhanje	....			

Reserved trees of South Kanara district—*cont.*

Description of trees.			Price per cubic foot.		
Botanical name.	Kanarese name.	English name.	I group.	II group.	III group.
		Classified trees—cont.	RS. A. P.	RS. A. P.	RS. A. P.
Class III—					
Artocarpus Lakoocha	Watehuli	....	} 0 1 0	0 0 9	0 0 6
Adina cordifolia	Anavu	....			
Vateria Indica	Dhupa	....			
Cocos nucifera	Thenginamara	Coconut (per tree with 5 feet stem).	3 0 0	2 8 0	2 0 0
Borassus flabelliformis	Thalimara	Palmyra (per tree)	3 0 0	2 8 0	2 0 0
Caryota urens	Byni	(Per tree)	2 0 0	1 8 0	1 0 0
Areca catechu	Kangu Adike	Areca palm (per tree with 5 feet stem).	0 4 0	0 3 0	0 2 0
Fuel, firewood or posts	....	(Per head-load)	0 0 6	0 0 4	0 0 3
		(Per cart-load) one bullock) ..	0 6 0	0 5 0	0 4 0
		(Per cart-load) (double bullock).	0 12 0	0 10 0	0 8 0
		(Per boat-load) (per corjee) ..	2 4 0	1 14 0	1 8 0
Charcoal	....	....	Per head-load, 2 annas. Per bullock-load, 8 annas.		
Minerals	....	....	Per cart-load, Rs. 2.		
Rough stone	....	....	Do. As. 1-6.		
Chiselled stone	....	....	Do. 3 annas.		
Metal or gravel	....	....	Do. 9 pies.		
Earth and turf	....	....	Do. 9 pies.		

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V. For scrub jungle, unclassified trees under 2 feet in girth, classified, and reserved trees under six inches in girth only suited for firewood, the valuation should be per acre according to the average height of the growth.

Height in feet.		I Group	II Group.	III Group.
From	To	Rate per acre.		
		RS. A. P.	RS. A. P.	RS. A. P.
Up to 3 feet	....	0 8 0	0 7 0	0 6 0
Three to 5 feet	....	1 0 0	0 13 0	0 10 0
Five to 7 feet	....	2 0 0	1 10 0	1 4 3
Above 7 feet	....	3 0 0	2 8 0	2 0 0

NOTE 1.—Rough stone includes undressed burnt stone and every kind of stone that has not been chiselled.

NOTE 2.—The rates for timber tree specified above apply only to rough or unsquared timber. In the case of squared timber, one-half of the above rates extra will be charged.

NOTE 3.—When applied to firewood or posts, the expression cart-load (unqualified) or cart-load (two bullocks) are used as equivalent to 20 cubic feet or half a ton and the expression cart-load (one bullock) means half that quantity. When applied to 'minerals,' cart-load means the load of an ordinary local cart drawn by two bullocks.

The head-load is equivalent to one cubic foot or 56 lb.

Twenty head-loads equal one cart-load.

Four head-loads equal one bullock-load.

Three cart-loads equal one corjee.

NOTE 4.—The above rates are the maxima and they may be reduced by the Collector if good cause is shown by the Tahsildar after personal inspection.

Appendix B.—List of villages in the South Kanara district arranged according to groups for purposes of valuation of darkhast lands, etc.—

COONDAPOOR TALUK.

Group I.

Alur.
Anagalli.
Asodu.
Badakere.
Baindur.
Balkur.
Basrur.
Beluru.
Bijadi.
Bijur.
Coondapoor.
Devalkonda.
Gangolli.
Gopadi.
Gujjadi.
Hadavu.
Hakladi.
Haladi-Harkadi.
Hanglur.
Hardali-Mandali.
Harkur.
Hattangadi.
Hemmadi.
Heranjal.
Herur.
Heskuttur.
Hombadi-Mundadi.
Hossadu.
Japti.
Kalavara.
Kandavara.
Kanyana.
Kattabeltur.
Kavradi.
Kedur.
Kenchanur.
Kergal.
Khambadkone.
Kirimanjeshwar.
Koni.
Korgi.
Koteshwar.
Kumbashi.
Kundabarandadi.
Molahalli.
Marvante.
Nada.
Nandanavana.
Navunda.
Nujadi.
Paduvari
Shenapur.
Shirur.
Taggarshe.
Tallur.
Takkatte.
Trashi.
Ullur.
Ultur.
Uppinakudru.
Uppunda.
Vaderhobli.
Vakwadi.
Wandse.
Yediadi-Mathiadi.
Yedthare.

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Coondapoor Taluk—*cont.*

Group II.

Albadi.
Ampar
Belve.
Chittur.
Golihole.
Gulvadi.
Haladi.
Halnad.
Hebbige.
Hengavalli.
Idurkunhadi.
Jedkal.
Kaltod.
Karkunji.
Kollur.
Koteshirur.
Kulanji.
Shankernaraina.
Yeljit.

Group III.

Ajri.
Amashebail.
Bellal.
Edamoge.
Hallihole.
Hosangadi.
Hosur.
Kamalashile.
Keradi.
Kodladi.
Machattu.
Madamakki.
Mudur.
Nagodi.
Rattadi.
Shedimane.
Shiddapur.
Ulloor.

Udipi Taluk.

Group I.

Achaladi
Alevuru.
Airodi.
Amblabad.
Anjara.
Arur.
Atradi.
Badagabettu.
Badagabettu.
Badagrama.
Badanidiyuru.
Baikadi.
Balakudru.
Bannadi.
Belapu.
Belampalli.
Belle.
Billadi.
Chantaru.
Cherkadi.
Chitrapadi.
Elluru.
Giliyara.
Gundimi.
Haladi.
Haluvalli.
Handadi.
Hanehalli.
Haradi.
Havanji.
Heggunje.
Heradi.
Herga.
Herur
Heruru.
Hirebettu.
Hosala.
Inanje.
Kachur.
Kadekar.
Kadur.
Kakkunje.
Kalturu.
Karakada.
Katingore.
Kuttiaru.
Kavadi.
Kelarakalbettu.
Kidiyuru.
Kodavuru.
Kodi.
Karangarapadi.
Kotatattu.
Kote.
Kudigrama.
Kukkehalli.
Kumaragodu.
Kurkalu.
Kuthpadi.
Majuru.
Mallur.
Manipura.
Manur.
Marane.
Matpadi.
Mattu.
Mundabettu.
Mudahadu.
Mudanidambur.
Mulur.
Nadasala.
Naduru.
Nandikuru.
Nilavara.
Perebettu.
Padu.
Paduru.
Palimar.
Pandeshwar.
Pangala.
Parampalli.
Pejamunguru.
Pernankila.
Pillara.
Putturu.
Santuru.
Seriyara.
Shivallikasba.
Sirva.
Tenkagrama.
Tenkanidiyuru.
Tonse (East).
Tonse (West).
Udiyavara.
Uliyaragoli.
Uppuru.
Vadarshe
Varamballi.
Yedathadi.
Yenagudde.

Group II.

Avarshe.
Bairampalli.
Bellarpadi.
Bommarbettu
Hiliyana.
Hosuru.
Kalturu.
Kenjur.
Kudi.
Nalkura.
Nanchara.
Perduru.
Sirur.
Siruru.
Vandara.

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Mangalore Taluk.

Group I.

Addur.
Adyapadi.
Adyaru.
Aikala.
Alape.
Amblamogaru.
Amtadi.
Amturu.
Ammunaje.
Arkula.
Arla.
Atikaribettu.
Attavar.
Atturu.
Badagabellur.
Badagaedapadavu.
Badagaekkaru.
Badagadlipadi.
Baikampadi.
Bajal.
Bajape.
Bala.
Balakanje.
Balepuni.
Baltilla.
Bangarakulur.
Bantwal.
Bappanad.
Barimaru.
Bellairu.
Belma.
Boliyaru.
Bolur.
Bondanthila.
Chellairu.
Chelur.
Chitrapu.
Delanthabettu.
Derebail.
Elaturu.
Elinje.
Goltamajalu.
Haleangadi.
Harekala.
Hejamadi.
Hosabettu.
Iddya.
Inna.
Ira.
Jappinamogaru.
Kadre.
Kairangala.
Kalavar.
Kallige.
Kandavara.
Kanjar.
Kankanadi
Kannuru.
Kariyangala.
Karnadu.
Karnire.
Karpe.
Kavatar.
Kavur.
Kemral.
Kilaujar.
Kilenjuru.
Kilpadi.
Kinya.
Kodamannu.
Kodialbail.
Koikude.
Kolambe.
Kolavuru.
Kolluru.
Kompadavu.
Kondemula.
Konnaje.
Kotekaru.
Kudupu.
Kulai.
Kunjathbabail.
Kuriyala.
Kurnadu.
Kuttyaturu.
Madya.
Malavur.
Mallur.
Manampadi.
Mangalore.
Mangalore Tota.
Manjenadi.
Manchi.
Marakada.
Maroli.
Mennabettu.
Meramajal.
Mogar.
Muchur.
Muda.
Muduperar.
Mudu.
Mudushedde.
Mulladka.
Mulur.
Mundakur.
Munnut.
Munnur.
Muttur.
Nadu.
Nadugodu.
Naricombu.
Naringana.
Navuru.
Nirmarga.
Pachanadi.
Padavu.
Padu.
Padukodi.
Padupanambur.
Paduperar.
Padushedde.
Panambur.
Panemangalore.
Panja.
Panjimogar.
Pavanje.
Pavur.
Peramunnur.
Permude.
Phajiru.
Pudu.
Sashihithlu.
Shamburu.
Simantur.
Someshwar.
Surathkal.
Surinja
Talapadi.
Talipadi.
Tannirbhavi.
Tenkabellur.
Tenkaedapadavu.
Tenkaekkar.
Tenkaulipadi.
Tiruvail.
Thokur.
Tokur.
Tumbe.
Ulipadi.
Ulaibettu.
Ullal.

Group II.

Ajabettu.
Badagakajekar.
Barya.
Budoli.
Chennaitodi.
Devashyamudur.
Devashyapadur.
Irvattur.
Kadabettu.
Kadeshwalya.
Kavala Mudur.
Kavala Padur.
Koila.
Kudambettu.
Kukkepadi.
Maninalkuru.
Mudanadugodu.
Mudapadukodi.
Panjakal.
Pilmogaru.
Pilathabettu.
Rayee.
Sangabettu.
Sarpadi.
Tekkar.
Tenkakajekar.
Uli.
Yelianadugodu.

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KARKAL TALUK.

Group I.

Badagamijar.
Belmannu.
Belvai.
Bola
Iruvail.
Kadandal
Kallamundkur.
Kantavara.
Kedinje.
Nandalike.
Niddodi.
Ninjuru.
Paladka.
Palli.
Puttige.
Sanur.
Suda.
Tenkamijar.

Group II.

Andara.
Arambodi.
Badekodi
Bailur.
Bajre.
Daregudde.
Durga.
Ellare.
Gunduri.
Hermunde.
Hirgana.
Hosabettu.
Hosangadi.
Irvattur.
Jarkala.
Kadthala.
Kukkuje.
Kallabettu.
Kalya.
Kanajara.
Karinje.
Karkala.
Karimanelu.
Kasipatna.
Kavaduru.
Kelaputtige.
Kerebettu.
Kukkedi.
Kukkundur.
Mantradi.
Marne (Ajekar).
Marpadi.
Marodi.
Marur.
Miyar.
Mudakodi.
Mudumarnad.
Mudukonaje.
Nellikara.
Nire.
Nitte.
Padukonaje.
Padukudur.
Padumarnad.
Panapila.
Peradi.
Prantya.
Puchamogar.
Sirtadi.
Sivapura.
Todar.
Valapadi.
Venoor.
Yerlapadi.

Group III.

Andinje.
Badaga Karandur.
Belanja.
Balanje.
Chara.
Hebri.
Idu.
Kabbinale.
Karambaru.
Kervashe.
Kokradi.
Kuchuru.
Kudyadi.
Kutlur.
Mala.
Mudar.
Mudradi.
Nadpal.
Nalkur.
Nalluru.
Naravi.
Navara.
Nittade.
Nuralvettu.
Piliya.
Ranjala.
Savya.
Sirajalu.
Siralalu.
Solkeri.
Sulkerimogar.
Tenkakarandur.
Varanga.

UPPINANGADI TALUK.

Group I.

Alike.
Anantadi.
Bolanturu.
Kanyan.
Karopadi.
Kolnad.
Mani.
Manila.
Padnuru.
Peruvayi.
Salethuru.
Virakamba.
Vitla.

Group II.

Aradka.
Ariyapu.
Badagannuru.
Balanadu.
Bannur.
Bellipadi.
Bettampadi.
Biliyur.
Chickmudnur.
Gardadi.
Idkidu.
Irde.
Kabaka.
Kanakamajlu.
Kariya.
Kedambadi.
Kedila.
Kemminja.
Kepu.
Keyyuru.
Kodimbadi.
Koltige.
Kudipadi.
Kukkala.
Kula.
Kuriya.
Machina.
Madnuru.
Maladi.
Mudnuru.
Mudnuru.
Manduru.
Mundur.
Narimogar.
Nekkiladi.
Nidapalli.
Nyayatarf.
Padangadi.
Padavunnuru.
Padnur.
Panaje
Paranki.
Peraje.
Perne.
Punacha.
Punachapadi.
Puttila.
Puttur.
Sonandur.
Surve.
Tannirpanta.
Ulamogaru.

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Uppinangadi Taluk—*cont.*

Group III.

Ainkidu.
Aithuru.
Aivathoklu.
Aivarnadu.
Ajavar.
Alankaru.
Alantaya.
Aletti.
Arantod.
Bajathur.
Balagod.
Balila.
Ballya.
Balpa.
Bandar.
Bantra.
Bellala.
Belanduru
Bellare.
Beltangadi.
Bilanile.
Charmadi.
Charvaka.
Chibidre.
Devachalla.
Dharmastala.
Dolpadi.
Golithattu.
Guttigar.
Haleneranki.
Hariharapallathadka.
Hathyadka.
Hirebandadi.
Ichlampadi.
Ilantila.
Indabettu.
Jalsur.
Kadaba.
Kadirupiavar.
Kalanja.
Kalanja.
Kaliya.
Kalmadka.
Kalmakaru
Kalmanja.
Kaniyuru.
Kaniyur.
Kaukradi.
Kanyadi.
Kaymana.
Kenye.
Kodimballa
Kodiala.
Koila.
Kokkada
Kollumogru.
Kombaru.
Konaje.
Konalu.
Koyyuru.
Kudumaru.
Kunthuru.
Kuthukunja.
Kutrapadi.
Kuvettu.
Laila.
Madapadi.
Malavantige.
Mandekolu.
Marakanja.
Melanthabettu.
Mittabagilu.
Mogru.
Mudnuru.
Mundaje.
Mundur.
Muppirya.
Murullya.
Nada.
Nalkuru.
Nallur-Kemraje.
Navur.
Nekkiladi.
Nelyadi.
Neriya.
Nidle.
Nujibaltila.
Padnuru.
Paltadi.
Pambethadi.
Patrame.
Perabe.
Peruvaje.
Puduvettu.
Ramkunja.
Reckya.
Renjaladi.
Sampaje.
Savanalu.
Savanuru.
Shantigodu.
Shibaje.
Shiradi.
Shirivagilu.
Shisila.
Subramanya.
Sullia.
Todikana.
Totatadi.
Ubradkamituru
Ujre.
Uppinangadi.
Uruvalu.
Vadilnal.
Yedamangala.
Yenekal.
Yenmuru.

Kasaragod Taluk.

Group I.

Adkathabailu.
Ajanur.
Angadimogaru.
Arikadi.
Badaji.
Badura.
Balla.
Bambrana.
Bangramanjeshwar.
Bare
Bayaru.
Bekaru.
Bela.
Chemmanad.
Chervathoor.
Chengalu.
Chippar.
Chittari.
Hosabettoo.
Hosdrug.
Ichlampadi.
Ichlangodu.
Kadambaru.
Kalanadu.
Kaliyuru
Kanhangad.
Kannuru.
Kasaragod.
Kayaru.
Kiduru.
Kikana.
Kodibail.
Koipadi.
Koliyuru.
Kubanuru.
Kudalmarkala.
Kudlumogaru.
Kudlu.
Kuluru.
Kunjathuru.
Maduru.
Magu.
Majibailu.
Mangalapadi.
Maniyat
Maire
Minja.
Mogral.
Mudambailu.
Mulinja.
Muttatodi.
Nileshwar.
Padi.
Padne.
Paivalike.
Pallikere.
Pandiyal.

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Kasaragod Taluk—*cont.*

Group I—cont.

Patla.	Puttige.	Udiavara.
Paturu.	Puthuru.	Udeuur.
Pavuru.	Shirivagilu.	Uduma.
Parembala.	Shiriya.	Ujaraulvar.
Perdala.	Talangere.	Uppala.
Perur.	Talekala.	Vorkadi.
Pilikodu.	Tekkila.	Yadanad.
Pudakai.	Trikarpur (North).	
Pulluru.	Trikarpur (South).	

Group II.

Aduru.	Katkukke (Adkastala).	Madakai.
Adur Kasba.	Kayyuru.	Muliyar.
Bedadka.	Kilayyikote.	Nekraje.
Belluru.	Kinanur.	Nettanige.
Beluru.	Kodkat	Padre.
Delampadi.	Kolaturu.	Periye.
Enamakaje.	Kedoth.	Timri.
Karadka.	Kumbadaje.	Ubrangala.

Group III.

Bandadka.	Eleri (West).	Maloth.
Chimeni.	Karindala.	Panathadi.
Eleri (East).	Kuttikolu.	

Appendix VI.

[Vide answer to question No. 25 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 6th August 1929, page 29 supra.]

Statement showing the number of meetings held by the Staff Selection Board, the days it sat and the work transacted by it during the official years 1927–1928 *and* 1928–1929.

Number of meetings.	Days of meeting.	Work transacted at the meeting.
		1927–1928.
		Interview and selection of candidates for the post of—
1.	7th April 1927 (one day).	(i) Probationary Assistant Inspector of Excise. (ii) Clerks in Government offices in the City of Madras from among non-graduates who sat for the qualifying examination.
2.	4th July 1927 (one day).	(i) Assistant lecturers in the Subordinate Educational Service (Collegiate Branch). (ii) Licentiate School Assistants.
3.	30th August 1927 (one day).	Probationary Deputy Superintendent of Police.

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Statement showing the number of meetings held by the Staff Selection Board, the days it sat and the work transacted by it during the official years 1927–1928 *and* 1928–1929—cont.

Number of meetings.	Days of meeting.	Work transacted at the meeting.
		1927–28—*cont.*
		Interview and selection of candidates for the post of—cont.
4.	9th November 1927 and 10th November 1927 (two days).	(i) Typists in Government offices in the City of Madras. (ii) Assistant lecturers in the Subordinate Educational Service (Collegiate Branch). (iii) Licentiate School Assistants.
5.	16th December 1927 and 17th December 1927 (two days).	Probationary Deputy Tahsildars.
6.	24th February 1928 (one day).	(i) Sergeants in the Madras City Police. (ii) Probationary Assistant Inspector of Excise.
7.	27th March 1928 and 28th March 1928 (two days).	Clerks in Government offices in the City of Madras from among graduates.
		1928–1929.
1.	5th November 1928 (one day).	(i) Clerks in Government offices in the City of Madras from among non-graduates who sat for the qualifying examination. (ii) Typists in Government offices in the City of Madras.
2.	3rd December 1928 and 4th December 1928 (two days).	(i) Sergeants in the Madras City Police. (ii) Probationary Deputy Tahsildars.
3.	4th January 1929 and 5th January 1929 (two days)	(i) Assistant lecturers in the Subordinate Educational Service (Collegiate Branch). (ii) Licentiate School Assistants.
4.	4th March 1929 (one day).	Probationary Assistant Inspectors of Excise.
5.	25th March 1929 (one day).	(i) Probationary Deputy Superintendent of Police. (ii) Typists in Government offices in the City of Madras. (iii) Mechanics, III Grade, in the Industrial Engineering Branch of the Department of Industries.

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APPENDIX VII.

[Vide answer to question No. 30 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 6th August 1929, page 32 supra.]

G.O. Mis. No. 647, Education, dated 5th April 1929.

The Government have considered the points raised in the memorial, dated the 6th November 1928, submitted by the teacher-managers of the South Kanara district and they are pleased to pass the following orders thereon :—

Scale of teaching grants.—It is suggested that the scale of teaching grants for elementary schools may be further increased. The rates of teaching grants were revised recently. Any further increase will depend on the availability of funds for the purpose.

Increase of grant every two years in respect of trained teachers serving continuously in the same school.—It is suggested that trained teachers, who possess continuous service in the same school should be entitled to an increase of grant every two years so as to reach a maximum of Rs. 15, Rs. 18 and Rs. 25 per mensem for lower elementary, higher elementary and secondary grade teachers respectively. The concession applied for will involve large recurring liability on Provincial funds. The Government are unable to accept the suggestion.

Cent per cent increase of grants to schools doing very efficient work.—Under rule 2 of the rules framed under section 42 (2) of the Elementary Education Act, 1920, the teaching grants may be increased by more than 50 per cent by the District Educational Councils in the case of higher elementary schools and schools for girls, provided that sufficient funds from other sources are not forthcoming. It is, however, open to the District Educational Council to give enhanced grants to schools doing efficient work with reference to the funds available.

Payment of teaching grants in instalments.—The District Educational Councils have been empowered to sanction at their discretion the payment to correspondents of well-conducted elementary schools of teaching grants in quarterly or half-yearly instalments.

Institution of a special examination to enable lower elementary grade teachers to obtain higher grade certificates and recognition of Mysore examinations.—The Government have considered in the past similar suggestions for enabling lower elementary grade teachers to obtain higher grade certificates and have vetoed them on educational grounds. They are unable to entertain the suggestion.

Persons who have passed the Mysore Lower and Upper Secondary examinations are not considered equal in attainments to the higher elementary and secondary grade teachers in the Madras Presidency. Further the Educational Department does not give general recognition to examinations outside the Presidency but deals with each case that comes up for consideration on its merits.

Award of approved service certificates to untrained teachers of long service and their treatment as trained teachers for purposes of grant.—The award of such certificates has been discontinued long ago. On educational grounds the Government are unable to revive that practice.

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Building and furniture grants.—The Government are unable to accept the suggestion that the amount of these grants should be increased to two-thirds of the cost. They desire to point out that it is open to the District Educational Councils to recommend to Government in special cases the award of grants at a higher rate than one-half of the cost.

Allotment of five acres of waste land to each school.—The suggestion is impracticable.

Teaching of horticulture, agriculture, weaving and other cottage industries in all training schools.—Manual training in at least one subject is at present taught in almost all the Government Training Schools for Masters. If, however, the subjects referred to in the memorial should form part of the instruction imparted in the training schools, the course of studies in such schools, which are already heavy, will become heavier still. It is not therefore desirable to add any more subjects under practical instruction than those already taught at present in the training schools.

Employment of peons in elementary schools under private management.—In cases where the employment of a peon is considered necessary, it is open to the inspecting officers to recommend and to the District Educational Council to sanction a suitable enhanced grant with reference to rule 2 of chapter I of the rules framed under section 42 (2) of the Madras Elementary Education Act, 1920.

Travelling allowance to teachers who are sent for training from Aided schools.—The Government see no sufficient reason to adopt the suggestion.

Representation of teacher-managers on the District Educational Council.—The Government generally allow two representatives for teacher-managers on a District Educational Council. The suggestion that two representatives may be allotted to teacher-managers in each taluk will make the District Educational Council unwieldy and cannot therefore be accepted.

Introduction of free and compulsory education in the South Kanara district.—Under the Elementary Education Act, 1920, it is for the local bodies concerned in the district to take the initiative in the matter.

Catholic schools in the South Kanara district.—Instructions have been issued to the District Educational Council, South Kanara, to adopt certain principles in the matter of recognition and aid of Catholic schools.

APPENDIX VIII.

[Vide answer to question No. 32 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 6th August 1929, page 33 supra.]

(a) Why the inauguration on 17th November 1928 of the scheme of rural compulsory primary education in the Saidapet taluk took place in Poonamallee which is in the Sriperumbudur taluk ?

Poonamallee is within the jurisdiction of the Saidapet Taluk Board.

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(*b*) Whether circulars were issued to teachers in all or some of the primary schools in the Sriperumbudur taluk to bring children to Poonamallee to attend the function ;	Circulars were issued only to a few schools in and around Poonamallee.
and	
Whether children were actually brought to Poonamallee ?	Yes.
(*c*) What was the object of getting children to attend the function ?	To enable them and their parents to understand the benefit of the compulsory education scheme.

APPENDIX IX.

[Vide item XI—The Madras Services Commission Bill at page 62 supra.]

REPORT OF THE SELECT COMMITTEE ON THE MADRAS SERVICES COMMISSION BILL, 1929.

BILL NO. 5 OF 1929

To

THE HONOURABLE THE

LEGISLATIVE COUNCIL OF THE

GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee, appointed to consider the Madras Services Commission Bill (Bill No. 5 of 1929), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on 22nd January 1929.

3. The Committee met on the 16th February at Madras and on the 27th, 28th, 29th and 31st May at Ootacamund for consideration of the Bill.

4. After a careful consideration of the detailed provisions of the Bill, we have accepted them in the main.

5. Clause 6 of the Bill empowers the Commission in its discretion to appoint a secretary on a salary not exceeding one thousand and five hundred rupees, but provides that such appointment shall be "subject to the previous approval of the Local Government." We consider that a Commission entrusted with the responsible functions referred to in Chapter III need not be required to obtain the previous consent of the Local Government to the appointment of its own secretary and that it may be left not only to appoint

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its own secretary but, subject to the proviso which already exists regarding the salary of a secretary who is a Government servant at the time of his appointment, to fix his salary also. The words "subject to the previous approval of the Local Government" in clause 6 have therefore been omitted.

6. As the expenditure incurred under clauses 6 and 7 of the Bill would be expenditure the amount of which is prescribed "under a law" it would be non-votable under section 72-D (2) (iii) of the Government of India Act. And if any question arises whether it is non-votable or not, the Governor would, under section 72-D (3) of the Government of India Act, be the proper authority to decide the question. It is open to the local legislature to prescribe the amount of an expenditure, but in a case where the amount of an expenditure has not been prescribed or where it is doubtful whether such amount has been prescribed or not, it cannot provide that it shall be "deemed to have been prescribed." We have therefore deleted clause 8.

7. The proviso to clause 11 empowers the Local Government, in case an appointment has to be made by them, to appoint if they think fit an officer to be present at the interview referred to in sub-clause (iii) of the clause. The last paragraph of the clause provides "Nothing in the proviso shall entitle the officer appointed under it to vote on any question to be decided by the Commission." We think that it is important that an officer appointed by the Local Government to be present at the interview should have no further powers and that the last paragraph of clause 11 is liable to be construed as empowering the officer to do everything except vote on any question to be decided by the Commission. We consider that the proviso as it stands makes it sufficiently clear that the officer has no other right than to be present at the interview under sub-clause (iii) and that the last paragraph of clause 11 introduces an element of doubt on the point. We have therefore deleted it.

8. Clause 20 of the Bill disqualifies for a service or post any candidate therefor who exercises or attempts to exercise what is defined in the clause as undue influence on the Chairman or a Member of the Commission. While we are anxious that in the actions and proceedings of the Commission, the highest standards of fairness and purity should be maintained and that there should be no room even for a suspicion of a departure from such standards, we are of opinion that the subject matter of the clause is eminently one which relates to the procedure of the Commission and fit to be regulated by rules and conventions rather than by an express statutory provision and that a statutory provision on the point is undesirable. In fact, a statutory provision may lead to complications. In the Public Service Commission (Function) Rules made under section 96-C of the Government of India Act a similar provision does not exist. We have therefore omitted clause 20.

9. We consider that the rules made under clause 21 of the Bill should not come into effect without an opportunity being given to the Legislative Council to pronounce its opinion on their suitability and have accordingly provided that the rules shall be laid in draft before the Legislative Council for a period of three months before they can take effect.

10. We have also made a few other verbal amendments which do not require special notice.

11. A copy of the Bill as amended by the Select Committee is appended. We consider that the Bill as amended does not require republication.

S. KUMARASWAMI.
N. E. MARJORIBANKS.
A. KRISHNASWAMI.
V. I. MUNISWAMI PILLAI.
P. SUBBARAYAN.
MAHMUD SCHAMNAD.
J. A. SALDANHA. *
T. ADINARAYANA CHETTI. *
C. V. VENKATARAMANA AYYANGAR. *
K. P. RAMAN MENON. *
S. MUHAMMAD MEERA RAVUTTAR. *
A. B. SHETTY. *
R. FOULKES.
B. MUNISWAMI NAYUDU.
K. KOCHINI NAYAR.
(Muppil Nayar of Kavalappara).
A. RANGANATHAM. *

* Subject to a minute of dissent.

MINUTES OF DISSENT.

I

The Bill derives its authority from delegation given and under rules made by the Government of India which subject our Council to a number of humiliating restrictions. The rules should, I think, be sought to be changed in the right direction before the Bill is further pressed. I may point out these restrictions. Firstly, the Commissioners may be appointed only by the Secretary of State in Council, the Governor-General in Council or the Governor in Council, the last excluding evidently the Ministers. Secondly, as rule 5 stands at present the Commission can only be an advisory body. The Bill only enables Government to add a new department to the Secretariat, its members being appointed by, and removable at pleasure of, Government, a body so dependent and capable of giving advice only when called upon to do so. With the removal of clause 20, which, in my opinion, should be retained in public interests, the Commission will be at the mercy of office-hunters and their friends swarming into its sanctum, unless the Commission is disposed to shut out outside or backdoor influences. Besides the Commissioners are subject to no educational, service or professional qualifications. I propose therefore to send in amendments to cure these and other defects in the Bill, if it is not dropped as unwanted. In my view, unless there is going to be a comprehensive Bill on right lines consistent

with the principles observed in advanced democratic countries giving us a Commission on a par with the High Court appointed by the Crown there is no point served by having legislation of the description now placed before the Council.

3rd May 1929. J. A. SALDANHA.

II

When the Bill was introduced in the Legislative Council and referred to a Select Committee, it was expected by many members that it would undergo some important changes in the Select Committee. But if one peruses the Bill as it has emerged out of the Committee it would be clear that it is practically the same as it was when referred to the Committee. Myself and some other members of the Committee tried our best in the Committee to make some important changes with a view to render the Commission useful and independent; but our efforts have completely failed. The very idea of appointing a Commission is to have an independent body not liable to any outside influences whatever, and that this is the object of the Bill is clear from the provision in clause 4, in which it is clearly stated that no member of the Commission, including the Chairman, shall be appointed as such unless he has previously given a written undertaking that he will not at any time, either during his service on the Commission or afterwards, accept any other office under the Crown in any place in India.

My first attempt in the Select Committee was therefore to make all the members including the Chairman of the Commission as independent as possible, and therefore I wanted an amendment to be passed, that the appointment and removal of these officers shall not vest either in the Governor in Council or the Governor; but that these officers should be appointed and removed by the Governor-General or Governor-General in Council. That my view is reasonable and has got a precedent is clear from the fact that the Chairman and other members of the Indian Public Services Commission are appointed by the Secretary of State in Council, and the Governor-General or the Governor-General in Council has absolutely no powers over them. Under the present Bill, the term of the Chairman as well as of other members is indefinite, so that they can expect to continue for ever, till they attain the sixtieth year, if only they are able to command the good-will of the Governor in Council. Whatever may be said about their appointment, the fact that they can be removed at will by the Governor in Council and the fact that after that removal they cannot take up any other appointment under the Crown in India should certainly go together to make them anything but independent, under ordinary circumstances. Even according to Delegation Rule No. 5 of the Secretary of State in Council, this Act may provide that the members of the Commission should be appointed by the Governor in Council, Governor-General in Council or the Secretary of State in Council, and therefore there is nothing in that rule to prevent the appointment and the removal of the members of this Commission, including its Chairman, by the Governor-General or the Governor-General in Council. I am therefore strongly of opinion that the appointment and the removal, or at least the removal, of the members including the Chairman should only be in the hands of the Governor-General in Council or the Governor-General. Also, I think that the term of membership of these officers should be limited to five years which is the period for the members of

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the Indian Public Services Commission; and if anyone proves to be a very satisfactory officer there may be provision in the Act for renewing his appointment by the Governor-General or the Governor-General in Council, for another period of five years.

The next question I want to deal with is with reference to the pay of the Chairman and the other members. The Bill provides that the Chairman shall be paid a salary of Rs. 3,000 per mensem, and that every other member shall get Rs. 2,000 per mensem. I am strongly of opinion that the salaries fixed for these persons under the Bill are rather high. I am one of those who believe that, considering the poverty of the country and the great competition for Government appointments, especially in higher grades, the salaries of people at the top should be reduced as much as possible with a view to make an effective retrenchment in the expenses of Local Governments. I believe that even the members of the Indian Officers' Association, Madras, presented a memorandum to the Lee Commission, that they would, under ordinary circumstances, be satisfied with a maximum salary of Rs. 1,000 per month, provided the salaries of corresponding European officers were also reduced proportionately. And I remember that on my motion a resolution was passed in the first Reformed Council that the salaries of all higher officers should be reduced by one-third. For all these reasons, I am strongly of opinion that it will be more than enough if the Chairman is paid Rs. 2,000 a month and every other member Rs. 1,500 each per month. As for the pay of Secretary, for which the maximum is fixed at Rs. 1,500 under the Bill, I would like it to be reduced to Rs. 1,000, or at least it might be made a graded one, from Rs. 750 to Rs. 1,500.

Then coming to the important question regarding the functions of the Commission which are dealt with in Part II of the Bill, as it now stands, it is only the Local Government that may refer any question to the Commission for its advice in some cases, under clause 9, while it is bound to refer some other questions for their advice under section 16 of the Bill. It is a well-known fact that the Governor has himself the power of making some appointments at present, and there is nothing to prevent rules being made hereafter empowering the Governor to make a larger number of appointments. I want, therefore, in addition to the Local Government the Governor also is authorized, or required, as the case may be, to refer all matters connected with appointments or removals of officers by him to the opinion of the Commission.

My next point is that the Commission's powers are only advisory, even so far as the Local Government is concerned and what is more, the Government is not bound to refer all questions connected with recruitment to the Commission; for clause 3 says only that the Local Government *may* refer to it any questions in connexion with recruitment, and the Commission shall give its advice to the Government only on such questions. I am strongly of opinion that the Local Government should be bound to refer to the Commission every question connected with recruitment, and that in all matters in which the Commission gives its advice to the Government, the Government should be bound to act up to the recommendation of the Commission, unless for strong reasons, which should be recorded in writing, and there may be a safeguard that where the Government differs from the Commission on any important or fundamental questions it should be with the consent of the

Governor-General. I would therefore like section 9 to be amended properly on the lines suggested above and similar amendments should also, in my opinion, be made in clauses 16 and 17 of the Bill.

Then, there is an important provision in clause 13, under which the Commission, whose powers are very much restricted under the present Bill, should, in exercising its restricted functions, again observe the rules made by the Local Government regarding the constitution of or recruitment to any service or post. This, I consider, is extremely dangerous; for the Government, even if all the changes suggested by me above are given effect to, can practically make the Commission unnecessary or useless; for rules may be made in such a way as to make the functions of the Commission to be practically nothing or make its recommendations practically nugatory. I would therefore suggest that the rules referred to in clause 13 should be made by the Governor-General in Council or at least by the Local Government with the previous consent of the Governor-General in Council; and I would like to suggest a similar provision to be made applicable to the rules made by the Local Government under clause 21 of the Bill also.

It may be said that many of my suggestions should be considered as being out of order in view of the delegation rules made by the Secretary of State. But I do not see why, apart from these rules, the local legislature has no powers of its own to make laws connected with the services of the Local Government, without any authority from the Secretary of State. And even granting for the sake of argument that the power of the legislature to make such an enactment is derived only from the delegation rules and that any of the suggestions I have made above are against those rules, I am strongly of opinion that there is absolutely no use in having the Commission as under the present Bill, and that we can very well wait for some time to have the rules changed so as to give wider powers to the legislature in this matter. It was with that view that I moved an adjournment for three months of the consideration of the whole Bill—with a view to have the delegation rules changed. But my motion was defeated in the Select Committee. If my suggestions made above are not accepted, I am afraid that this Commission will only be a costly and ornamental body serving no purpose whatever from the public point of view. To give only one example, the Commission may, under clause 14, hold an examination and prepare a list of successful candidates according to merit and yet the Local Government are not bound to appoint in that order and not even to appoint any one in that list but may appoint any one they please even outside the list. It may be suggested that if the Commission is appointed, the Local Government will be under no necessity to get the previous sanction of the Governor-General in Council for making the first appointment to the provincial services as required by rule 3 of the delegation rules, because such a consent is necessary only if the first appointment is not made on the result of a competitive examination or on the advice of a permanent board of selection appointed by the Local Government or of the Indian Public Services Commission. The Local Government seems to think that the Commission appointed under this Act would be a permanent board of selection appointed by the Local Government as required under the rule. Even supposing that his opinion of the Government is correct, I am strongly against the Commission coming into existence under the present Bill; for, as I have said above, it will not be serving public interests, and I am afraid it will rather be doing harm, as the Local Government will then be free to

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make any appointment it pleases with the help of the Commission and without the safeguard provided for under the rules, of getting the previous consent of the Governor-General in Council. But I have got serious doubts as to whether this Commission would be a permanent board of selection referred to under the rules; because, the rule clearly says that the permanent board should be appointed by the local Government, whereas if this Bill is passed into an Act, the Commission will be appointed only under the Act, for the number of members, their salaries and functions are all prescribed and limited under the Act, and merely the appointment of the individual members of the Commission by the local Government cannot be taken as the appointment of the board itself by that Government.

Finally, I am strongly of opinion that the Bill should be amended on the lines I have suggested above, even with the previous sanction of the Secretary of State in Council, if necessary, by having a change of the delegation rules. If that is not done, I am clearly of opinion that the Bill as it is will serve no purpose and should be rejected by the Council.

OOTACAMUND,
2nd June 1929. C. V. VENKATARAMANA AYYANGAR.

III

As regards *clause* 4 (1) I am of opinion that the Chairman as well as the other members should be appointed and be removable not by the local Government but by an outside agency, say, by the Governor-General for the following reasons:—

(i) The members of the Public Services Commission are removable by the Secretary of State and not by the Governor-General.

(ii) An independent Public Services Commission has been found to be indispensable even in self-governing colonies. Even more so should such a Commission be independent in the present state of communal feelings and other peculiar circumstances of this Province.

(iii) The work of a Services Commission is of a quasi-judicial nature and such Commissioners are elsewhere conceded an independence approximating to that of the judiciary.

Speaking of Canada, Mr. MacGregor Dawson says: "Political pressure did not disappear; but the Commissioners were in a much stronger position to combat it."

Sir Wilfred Laurier, referring to the Canadian Commission, said: "The new Chairman . . . will be more secure, more independent of everybody and more distinctly liable only to his own conscience than before."

(iv) It is likely that very good men are secured; but it is not to be expected the public will believe them to be as independent as the men who are not so subject to the control of the local Government. On the other hand, if weak men happen to be appointed, there is the justifiable fear that these will become merely distributors of patronage.

(v) The very fact that these are appointed by a superior authority will clothe their actions and decisions with greater weight.

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(vi) It has been urged that such a proposal will not be quite in keeping with Provincial Autonomy. My answer is that we have not yet got Provincial Autonomy and Provincial Autonomy has really nothing to do with this.

As regards the authority that can remove these Commissioners, my arguments for the appointing power being vested in an outside and higher authority apply with even greater force. "In self-governing countries a very large part of the history of the service has centered around the way in which the dismissal clause has been applied."

MacGregor Dawson, whom I have quoted already, referring to conditions in Canada, says, "the fault with the old Canadian Civil Service Board was lack of power and too close intimacy with the Government . . . They held office on too precarious a tenure and were too dependent on the pleasure of Ministers for any of them to risk offending the administration by interfering with its patronage."

Clause 5.—I am for a salary of Rs, 1,000 all round on the principle that in a poor country like India it is a respectable salary. The assumption that an official can be placed absolutely above temptation by paying him a large salary is not an infallible one. Canada pays the President of its Public Services Commission only 10,000 dollars per annum and our Commission after all is only a provincial one.

If, however, it is possible to secure a really independent Commission, I would agree to paying them the salaries proposed in the Bill at least until salaries in this country are reduced all round.

I am also against a pensioner being appointed either as Chairman or Member of this Commission. Occasionally no doubt we come across with a retired official who has managed to retain a virile mind and progressive views. But more often we find them with fixed ideas and it cannot be denied that "officials tend to fossilise."

Clause 9.—I am of opinion that there should be some provision to make it obligatory on the local Government to refer important matters at least to the Commission. As it is there is nothing to prevent the local Government from not referring any matter to this Commission. If the terms of the delegation of powers will not permit this, I would advise postponing the consideration of this Bill for some time so as to obtain the necessary sanction of the Secretary of State to enable this to be done.

In *clause* 10 (1), I would have the word "determine" in place of "advise the local Government" for the following reasons :—

(i) The local Government, as the clause now stands, may discard the advice of the Commissioners thereby making the Commission an expensive superfluity.

(ii) A Commission such as this is admittedly an expert body and as such it should be given freedom in these matters. If the terms of delegation of powers to the local Government will not admit of such an amendment, I would have instead of "determine," the words: "determine subject to the approval of the local Government"; or advise the local Government to address the Secretary of State for necessary alteration of the terms of the delegation.

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(iii) "Commissioners are primarily administrative, secondly quasi-judicial and lastly only advisory."

Clause 10 (*v*), as it has been left, gives the power to local Government to discard the whole list and make appointments outside the list—rendering the Commission really impotent and even ridiculous. This should be so amended as to make the Government respect the recommendations of the Commissioners or at least to make it obligatory on the local Government to record their reasons in writing whenever they disregard the recommendations of the Commissioners. The obligation to record reasons will make the Government think and hesitate if they feel like acting arbitrarily, at any time.

Clause 11 (*iv*), *proviso.*—I am for deletion of this. It will be found difficult to keep out official interference altogether. If the expert advice of such an official is necessary in the opinion of the Commissioners, it is open to them to appoint Boards for special posts and on such Boards they may invite an official or non-official expert to serve.

Clause 12.—I desired the word "Promotion" should be clearly defined in view of a recent discussion in the Legislative Council on the construction put on this word. I still think the Legislative Council should direct its attention to this matter.

Clause 13.—The official view seems to be that the series of Government Orders issued by Government between (about) March and October 1928, prescribing the number of posts, qualifications and pay for the various departments of Government are as good as the *rules* mentioned in the Bill and that the Services Commission have simply to administer them and such other rules as may be made by the local Government hereafter. As regards the Government Order regarding the Registration department there has been bitter criticism in several quarters and although a motion in the Legislative Council seeking to condemn the policy of Government underlying this particular Government Order did not receive the support of the majority in the Council, I think, in view of the fact that this is a matter affecting the welfare of a very large body of public servants, it is necessary to formulate a complete set of rules and leave it to the Legislative Council to pronounce a formal, direct and decided opinion thereon.

It is not in keeping with modern views of public administration that the power of making rules should for ever be retained in the hands of the executive. If the terms of the delegation of powers do not permit this at present, I would advise delaying the consideration of this Bill until the local Government addresses the Secretary of State and gets the delegation terms altered.

Clause 16, as it is now left, leaves the local Government free not to accept the recommendations of the Commissioners in cases of appeals against, censure, withholding of increment or promotion, suspension, removal and dismissal. I am of opinion that some provision ought to be inserted to make the local Government, ordinarily, respect the recommendations of the Commissioners. A series of rejections of advice by the local Government will reduce the Commission to the position of "a subordinate Committee of Government."

It is a well-understood axiom in all modern administrations that the decisions of an expert body like a Services Commission should be practically final except as regards matters pertaining to finance or policy.

Clause 17.—The word "shall" may be inserted in place of "may" instead of merely relying on the well-known rule of interpretation that ordinarily "may" means "shall" in such matters.

Clause 21 (2).—In the course of the debate on the introduction of this Bill, it was contended by the hon. Member introducing it, that Government must retain the power of making rules if it is to function at all as a Government. I beg to differ from this view. Section 96-B (2) of Government of India Act clearly contemplates the Secretary of State delegating the power to the provincial legislatures, as well. Modern constitutions elsewhere do not retain these (rule-making) powers (in the hands of the executive) and yet they get on. Holding this view, I am not content with the mere laying of the draft rules on the table of the Legislative Council (for three months) but would like that the Council should consider them and adopt them before they are acted on by Government.

The consideration of this Bill by the Legislative Council may be postponed for a short time until the local Government corresponds with the Government of India and with the Secretary of State and obtain their consent to this being done.

OOTACAMUND,
31*st May* 1929. T. ADINARAYANA CHETTI.

IV

I agree with the Report of the Select Committee and have only to add that I do not see why the Bill should penalise persons of 60 and above who preserve good health. I am myself over 60 but feel that I have years of work in me and I know of numerous other persons like me.

CHALAPURAM P.O.,
6*th June* 1929. K. P. RAMAN MENON.

V

In clause 3, line 3, I would substitute "not more than four" for "two" since I think it is desirable that the Madras Services Commission should be allowed, if necessary, to have the same number of members as the All-India Public Services Commission.

MANGALORE,
7*th June* 1929. A. B. SHETTY.

VI

I agree with the report of the Committee and suggest the following :—

In Chapter IV, clause 4, I propose that of the two members of the Commission one of them should be elected by the members of Madras Legislative Council from amongst the elected members and the other to be elected by the Gazetted officers in the Province, each of them to hold office for a period of three years. Further, out of the three, viz., one Chairman

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and two members of the Commission, two at least shall be Indians. In view of the fact that both the members are elected only for a period of three years sub-clause (3) of clause 4 of Chapter II of Part I shall not operate against them.

MADRAS,
13th *June* 1929. S. MUHAMMAD MEERA RAVUTTAR.

VII

During our consideration of the Bill it came out very clearly that there is nothing that is proposed to be carried out by the Bill that could not be equally well and effectively carried out by an act of the Executive Government, and that any real advance in the provisions of the Bill rendering the Commission independent and its decisions effective was precluded by the wording (perhaps unintentional) of the Delegation Rules of the Secretary of State for India. So that, the enactment of this Bill, while it does not impose any serious restrictions on the powers of the Executive, strengthens its position still further by making the expenditure connected with the Commission non-votable. So I consider that the Bill should in fairness to the Council be dropped now and re-introduced with suitable modifications only after a reference is made to the Secretary of State for India and the ambiguity in his rules referred to above is removed.

14th *June* 1929. A. RANGANATHAM.

BILL NO. 5 OF 1929.

THE MADRAS SERVICES COMMISSION BILL, 1929.

(As amended by the Select Committee.)

WHEREAS the Secretary of State for India in Council has made a rule authorizing the local legislature, subject to certain conditions and restrictions, to make laws for the establishment, and for determining the functions, of a Commission to regulate the Public Services of the Presidency of Madras ; Preamble.

AND WHEREAS it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said Services ;

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And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

PART I.

Chapter I.—Preliminary

Short title, extent and commencement.

1. (*a*) This Act may be called the Madras Services Commission Act, 1929.

(*b*) It extends to the whole of the Presidency of Madras.

(*c*) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. (1) In this Act, unless there is something repugnant in the subject or context—

(*a*) 'Commission' means 'The Madras Services Commission' established under this Act;

(*b*) 'Chairman' means the Chairman of the Commission referred to in clause (*a*);

(*c*) 'Member' means a member of the Commission referred to in clause (*a*); and

(*d*) 'Public Service Commission' means the Commission established under section 96 C of the Government of India Act.

(2) **In this Act,** the terms 'All-India service', 'provincial service', 'subordinate service' and 'special post' shall have ~~in this Act,~~ the same meaning as they have in the rules made under sub-section (2) of section 96 B of the Government of India Act by the Secretary of State for India in Council, the Governor-General in Council or the Local Government.

Chapter II.—Constitution, strength, salaries and staff of the Madras Services Commission.

Establishment of Madras Services Commission.

3. There shall be established for the Presidency of Madras a Commission named 'The Madras Services Commission' consisting of a Chairman and two other members for performing the functions hereinafter specified in this Act in respect of the Public services in the said Presidency.

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4. (1) The Chairman and the other members of the Commission shall be appointed and may be removed from office by the Governor in Council.

Appointment and removal of the Chairman and members.

Provided that no order of removal shall be made without the personal concurrence of the Governor of Madras.

(2) No person shall be appointed to be the Chairman or a member, and no Chairman or member shall continue to hold office as such, after he has completed 60 years of age.

(3) No person shall be appointed to be the Chairman or a member unless he has previously given an undertaking in writing to the effect that he will not, either during or after his service on the Commission, accept any other office under the Crown in India except—

(*a*) if appointed as the Chairman, the office of Chairman or member of the Public Service Commission; and

(*b*) if appointed as a member, either of the offices mentioned in clause (*a*) or the office of Chairman of the Commission.

(4) No Chairman or member shall hold during his service on the Commission any other office under the Crown in India.

Nothing in this sub-section shall, however, bar the Chairman or other member having a lien on his post on the Commission while holding the office of Chairman or member of the Public Service Commission or the office of Chairman of the Commission, as the case may be.

5. There shall be paid to the Chairman a salary of three thousand rupees per mensem and to each of the other members a salary of two thousand rupees per mensem.

Salary of the Chairman and Members.

Nothing in this section shall prevent a Chairman or other member who at the time of his appointment as such, is a retired Government servant, from drawing his pension from Government in addition to his salary under this section.

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Appointment and salary of Secretary.

6. ~~Subject to the previous approval of the Local Government.~~ The Commission may, in its discretion, appoint a Secretary to the Commission, on such salary not exceeding one thousand and five hundred rupees per mensem as it thinks fit:

Provided that, if the person so appointed is at the time of his appointment a Government servant, his salary shall be fixed with the previous sanction of the Local Government.

Commission's establishment, etc.

7. It shall be lawful for the Commission and it is hereby empowered to employ such persons as it may deem necessary and incur expenditure for such employment as well as for contingencies, supplies and services and for other expenses connected with its work, up to an aggregate sum of one thousand rupees per mensem:

Provided that if any person so employed is at the time of his appointment a Government servant, his salary shall be fixed with the previous sanction of the Local Government.

~~Expenditure under sections 6 and 7 to be non-votable.~~

~~8. The amount of expenditure incurred under sections 6 and 7 shall be deemed to be prescribed by and under this Act for the purposes of clause (iii) of sub-section (3) of section 72 D of the Government of India Act.~~

PART II—FUNCTIONS OF THE COMMISSION.

CHAPTER III.—FUNCTIONS OF THE COMMISSION AS TO RECRUITMENT.

Recruitment generally.

8. ~~9.~~ The Commission shall advise the Local Government on any question which the Local Government may refer to it in connection with the recruitment to any provincial or subordinate service or special post.

Recruitment by competitive examination.

9. ~~10.~~ Where any competitive examination is to be held in India for the purpose of recruitment to any provincial or subordinate service or special post, the Commission shall—

(i) advise the Local Government in regard to the regulations prescribing

(*a*) the qualifications of candidates,

(*b*) the conditions of admission to the examination, and

(*c*) the syllabus of the examination,

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(ii) announce the number of vacancies to be filled from among the candidates for the examination;

(iii) make all arrangements for the actual conduct of the examination;

(iv) arrange the candidates in order of merit on the results of the examination; and

(v) forward a list of the candidates so arranged to the Local Government.

10. ~~11.~~ Where recruitment to any provincial or subordinate service or special post is to be made by selection in India the Commission shall— Recruitment by selection.

(i) advise the Local Government in regard to the regulations prescribing the qualifications of candidates and the submission of applications;

(ii) announce the number of vacancies, and invite applications;

(iii) consider all applications received and interview such candidates as it considers most suitable for appointment; and

(iv) submit to the Local Government a list consisting of such number, as the Local Government may fix, of the candidates whom the Commission considers most suitable for appointment arranged in the order of preference:

Provided that in case the appointment is to be made by the Local Government, the Local Government may, if they think fit, appoint an officer to be present at the interview referred to in clause (iii).

~~Nothing in the proviso shall entitle the officer appointed under it to vote on any question to be decided by the Commission.~~

11. ~~12.~~ Where recruitment to any permanent post in a provincial service is to be made by promotion from a subordinate service, the Commission shall— Recruitment by promotion.

(i) consider the claims of candidates nominated by the head of the department;

(ii) thereafter advise the Local Government in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the character and ability requisite for the service to which it is proposed to appoint him; and

(iii) arrange the candidates in order of preference.

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Commission to observe Statutory Rules.

12. ~~13~~. In the exercise of its functions under sections **9, 10** and **11,** ~~10, 11 and 12~~, the Commission shall observe the rules, if any, made by the Local Government regarding the constitution of or recruitment to any provincial or subordinate service or special post under sub-section (2) of section 96 B of the Government of India Act.

Chapter IV.—Functions of the Commission to hold examinations for probationers and persons already in the service of Government.

Examination for confirmation and promotion.

13. ~~14~~. Where any examination is to be held in India to determine whether probationers or officers already in the service of the Local Government have sufficient knowledge of any language or of any law, rules or orders which they may be called upon to administer, or possess any other qualifications including sufficient skill in equitation, which can be tested by examination, to justify their appointment to or promotion in an All-India, provincial or subordinate service or a special post, the Commission shall—

(i) advise the Local Government in regard to regulations prescribing

(*a*) the conditions of admission to the examination,

(*b*) the syllabus of the examination, and

(*c*) the percentage of marks to be obtained for passing the examination;

(ii) make all arrangements for the actual conduct of the examination;

(iii) arrange the successful candidates in order of merit; and

(iv) publish the results in the *Fort St. George Gazette*:

Provided that the Commission shall not undertake any duties under this section in respect of an officer of an All-India service or of any other officer appointed by the Secretary of State in Council or the Governor-General in Council save with the general or special approval of the Governor-General in Council or in the case of persons appointed by the Secretary of State in Council, of the Secretary of State in Council.

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Chapter V.—Functions of the Commission in regard to disciplinary cases.

14. ~~15~~. The provisions of this chapter shall not apply to any person in the Civil Service of the Crown in India, other than a member of a provincial or subordinate service or the holder of a special post under the administrative control of the Local Government. Extent of application.

15. ~~16~~. The Local Government shall—

(i) before considering any appeal presented to them under the rules made in that behalf under sub-section (2) of section 96 B of the Government of India Act against any order— Appeals.

(*a*) of censure,
(*b*) withholding an increment or promotion,
(*c*) of reduction to a lower post,
(*d*) of suspension,
(*e*) of removal, or
(*f*) of dismissal, or

(ii) before passing any original order—
(*a*) withholding an increment or promotion,
(*b*) of reduction to a lower post,
(*c*) of removal, or
(*d*) of dismissal,

consult the Commission in regard to the order to be passed:

Provided that it shall not be necessary for the Local Government to consult the Commission in any case—

(*a*) relating to the termination of probation,

(*b*) relating to the reversion to his permanent post of an officer officiating in a higher post,

(*c*) relating to the termination of the employment of any officer in accordance with the terms of his contract of employment, or

(*d*) in which the Commission has, at any previous stage, given advice as to the order to be passed and no fresh question has thereafter arisen for determination.

16. ~~17~~. The Local Government may consult the Commission as to the orders to be passed on any memorial submitted to them by any person to whom the provisions of this Chapter apply. Memorials.

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Records to be sent to Commission on reference.

17. 18. In any case in which the advice of the Commission is sought under section **15** or **16**, 16 or 17 the record of the case shall be forwarded to the Commission and the opinion given by the Commission shall form part of the record of the case and shall be communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders on the case.

PART III.

CHAPTER VI.—MISCELLANEOUS.

Vacancy not to invalidate acts of Commission.

18. 19. The proceedings of the Commission shall not be invalidated by any vacancy in the office of the Chairman or a member.

~~Effect of undue influence on the Commission.~~

~~20. If any candidate for a service or post, with the recruitment to which the Commission is concerned brings to bear or attempts to bring to bear directly or indirectly by himself or by any other person on his behalf any undue influence on the Commission or on the Chairman or other member thereof he shall be deemed to be disqualified for that service or post.~~

Explanation.— ~~Undue influence in this section includes—~~

~~(i) any attempt by a candidate to obtain an interview with the Chairman or other member except when summoned to appear before the Commission by the Secretary or an official of the Commission authorized in that behalf;~~

~~(ii) any attempt by any person to obtain an interview with the Chairman or other member to support directly or indirectly the candidature of the candidate;~~

~~(iii) any attempt to influence the Commission or the Chairman or other member thereof by means of any certificates, letters or other documents not called for in the published notice inviting applications; and~~

~~(iv) in general, the infliction or threat of infliction of any temporal or spiritual injury, damage, harm or loss or the conferring or offering to confer any material or spiritual benefit or the employment of or the attempt to employ any other means for the purpose of inducing the Commission or the Chairman or other member thereof to exercise the functions vested in it or him under this Act otherwise than according to its or his own judgment of the merits of the case.~~

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19. ~~21.~~ (1) The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules prescribing the procedure to be adopted by the Commission.

(3) Rules made under this section shall be published in the *Fort St. George Gazette* and **laid in draft before the Madras Legislative Council for a period of three months while the Council is in session and shall on the expiry of such period be republished and** upon such **re-**publication ~~shall~~ take effect as if enacted in this Act.

APPENDIX X.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

List of posts on Rs. 500 per mensem and above created during the quarter ending March 1929

A.—PERMANENT—Nil.

B.—TEMPORARY.

(i) EXTENSION OF PREVIOUS SANCTIONS.

Department and designation of posts. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
	General Administration.		
	RS.		
Public Works and Labour Department—Assistant Secretary.	500—50—800	From 1st April 1929 to 31st March 1930.	The post was originally sanctioned from 15th August 1927.
	Administration of Justice.		
Law (General) Department—			
Temporary Sub-Judge, Devakota.	650	From 1st March 1929 to 31st March 1929.	Since made permanent from 1st April 1929.
First Additional Sub-Judge, Coimbatore.	650	From 1st March 1929 up to the commencement of the Christmas holidays, 1929.	....
Additional Sub-Judge, Chittoor.	650	From 7th January 1929 up to the commencement of the summer recess, 1929.	....
Additional Sub-Judge, Tellicherry.	650	From 1st January 1929 to 1st April 1929.	....

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B.—TEMPORARY—*cont.*

(i) Extension of previous sanctions—*cont.*

Department and designation of posts. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
	Public Health.		
	RS.		
Local Self-Government (P.H.) Department—Special Malaria Officer.	900—50—1,500	Up to the end of 1929-30.	The post was originally sanctioned up to the end of 1928-29.
	Industries.		
Development Department—Special Officer for the Survey of Cottage Industries.	Pay in the regular line of Deputy Collectors *plus* Rs. 100 Presidency allowance.	From 1st February 1929 to 31st March 1929.	The post was originally sanctioned from 1st April 1927.
	(ii) Posts newly created.		
	Forest.		
Special Officer ..	250—900 (Grade pay of Extra Assistant Conservator and Presidency allowance of Rs. 100.)	From 21st March 1929 to 20th May 1929.	An Extra Assistant Conservator was placed on special duty in the Chief Conservator's office in connexion with the reorganization of the Forest Department.
	General Administration.		
Chief Secretariat—Deputy Secretary to Government.	Superior scale of pay in the I.C.S. *plus* Special pay Rs. 200.	From 3rd January 1929 to 17th March 1929.	Mr. M. W. W. M. Yeatts was appointed to this post which was created in connexion with the visit to this Presidency of the Indian Statutory Commission.
Additional Under Secretary to Government.	Pay in the Regular line *plus* Rs. 200 Special pay.	From 18th March 1929 to 17th April 1929.	Mr. C. F. V. Williams was appointed to this post for the classification and arrangement of records in the Chief Secretariat.
	Administration of Justice.		
District and Sessions Judge.	2,400 *plus* O.P. Rs. 300.	From 21st January 1929 to end of Legislative Assembly.	Mr. V. Panduranga Rao, I.C.S., was appointed on special duty as a nominated member of the Legislative Assembly for the Madras Presidency.
	Police.		
Judicial Department—Deputy Inspector-General of Police.	2,150 *plus* O.P. £ 13-6-8.	From 9th to 25th January 1929 (both days inclusive).	To represent the Madras Presidency at the Conference of Police officers held at New Delhi in January 1929.

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B.—TEMPORARY—*cont.*

(ii) Posts newly created—*cont.*

Department and designation of posts. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
	Education.		
Law (Education) Department— Additional Professor of Civil Engineering, College of Engineering, Guindy.	RS. 1,000—50—1,500.	Five years from 11th March 1929.	Created for a period of five years in lieu of an I.E.S. post.
	Miscellaneous Departments.		
Labour Department— Special Officer ..	Rs. 2,400 *plus* O P. £30 *plus* special pay Rs. 100 *plus* Presidency allowance Rs. 150.	For four months from 11th January 1929.	Mr. J. Gray, O.B.E., I.C.S., was appointed on Special duty to assist the Commissioner of Labour.
	Civil Works.		
Public Works Department— One Superintending Engineer.	1,750—100—2,150.	Four months from date of employment.	For preparing the case for Madras in connexion with the Mysore-Madras Cauvery Arbitration.
One Executive Engineer.	625—1,375.	Do.	Do.

Appendix XI.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

G.O. No. 1788 I., dated 15th June 1929

The Secretary of State has sanctioned the revised estimate for the Cauvery-Mettur Project amounting to Rs. 7,37,08,000.

(By order of the Governor in Council)

A. G. Leach,
Secretary to Government.

To the Engineer-in-Chief, Cauvery-Mettur Project.
,, Audit Officer, Cauvery-Mettur Project.
,, Accountant-General, Madras.
,, Revenue Department.
,, Finance Department.
,, Board of Revenue.
,, Chief Engineer for Irrigation.
,, Collector of Mettur.
,, Secretary, Legislative Council (with 175 copies to be placed on the Council Table).
Press (order only).

Appendix XII.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Local Self-Government Department.

Council—Anakapalle—Supersession for two years—Ordered.

(*G.O. Mis. No.* 2587, *L. & M., dated* 1*st June* 1929.)

Notification.

The Government, being of opinion that the Municipal Council of Anakapalle is not competent to perform the duties imposed on it by law, hereby direct, under sub-section (1) of section 11 of the Madras District Municipalities Act, 1920, that it shall be superseded for a period of two years from the date of the publication of this notification in the *Fort St. George Gazette.*

Appendix XIII.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Statement of resolutions passed by the Madras Legislative Council during the third session of the third Legislative Council, 1928–29, and the action taken thereon by the Government.

Serial number and subject of the resolution.	When passed by the Council.	Nature of action taken by Government.
1. Committee to enquire into the grievances of the ryots in forest areas.	5th and 6th September 1928.	The question of the appointment of a committee has been dropped for the present as it is considered unnecessary to appoint one now in view of the reorganization proposals.
2. Crediting of all fees received from paying patients in State hospitals to the Government.	6th September 1928.	All fees except those realized in the X-Ray Department are already credited in full to the Government. In the X-Ray Department a portion of the fees is distributed among the staff. The Government are considering the formation of a radiologists cadre.
3. Appointment of a Committee to enquire into the affairs of the Government Press, Madras.	Do.	For the reasons stated by the hon the Home Member during the debate the Government are unable to accept the resolution.
4. Appointment of a Committee to enquire into the economic condition of the districts of Kistna, Godavari East and Godavari West.	28th November 1928.	With reference to this resolution the hon. the Revenue Member at a meeting of the Legislative Council held on 30th January 1929 moved for the election of a committee to make the enquiry desired by the Council regarding the economic conditions of the districts of East and West Godavari and Kistna. The motion was adopted and the Council accordingly elected a Committee.

6th August 1929]

Statement of resolutions passed by the Madras Legislative Council during the third session of the Third Legislative Council, 1928–29, and the action taken thereon by the Government—*cont.*

Serial number and subject of the resolution.	When passed by the Council.	Nature of action taken by Government.
5. Reconsideration of the Government Order on the report of the Mettur Project Deputation in regard to the supply of water for irrigation purposes in Coimbatore, Salem and Trichinopoly districts and in regard to various other matters specified in the resolution.	29th November 1928.	*Item* (1) *of the resolution.*—So far as the Salem district is concerned the Government have issued orders appointing a special staff to investigate the problem afresh. These orders have been placed on the Editors' Table. As regards extension of irrigation in the Coimbatore district the only feasible way to supply water from the Mettur Dam would be to connect up the late Mr. Moss's west side channel with the project. A fairly accurate statement has already been prepared for this scheme. In the Trichinopoly district it is proposed to investigate the following schemes :— (i) two high level channel schemes, a more extensive scheme to irrigate 50,000 acres and a smaller one to irrigate 10,000 acres ; (ii) the North Bank channel scheme. A special officer has been deputed to conduct this investigation. The extension of irrigation from the Mettur Project in any of these three districts will depend on the results of these investigations. 2. As regards the other recommendations contained in the resolution the hon. the Leader of the House gave reasons why they could not be accepted by the Government

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APPENDIX XIV.

[Vide item XII—Papers laid on the table of the House—at page 93 supra.]

DEVELOPMENT DEPARTMENT.

Communication to the Council.

With reference to the answer given to Question No. 1413 at the meeting of the Legislative Council held on 25th February 1929 the following report is laid on the table :—

(*b*) The expenditure per mensem and the total expenditure from the commencement on the farms are as furnished below :—

	Sunkesula fish farm.	Praema fish farm.
	RS.	RS.
Expenditure per mensem	500	100
Total expenditure from commencement ...	57,900 *	3,915

* This total does not include the figures for 1915-16 and 1916-17 as they are not readily traceable.

[6th August 1929

(*c*) The farms are primarily intended for the culture of improved varieties of food and anti-malarial fish both indigenous and exotic, and for the distribution of fry to neighbouring freshwater tanks and rivers whose fisheries are owned by Government and auctioned every year:

At the Sunkesula fish farm the methods of cultivating murrel for the market was worked out and until the Edurur swamp became silted up, young murrel bred in the farm were grown in this swamp and put on the fish-market at Kurnool, thus providing fish at a time when the market had no other supply. It was done only on a small experimental scale but even so has afforded data for enlarged work, when opportunities arise. A great deal of propoganda is, however, essential to interest local agriculturists in pisciculture.

Gourami from the Malay Archipelago and Mauritius were introduced into the farm in 1916; initial experiments in breeding Gourami for distribution were conducted and data regarding its best food, period of growth, age, etc., were ascertained and are still being ascertained at this farm. The Tench and English carp are also under acclimatisation and similar observation. Tench has bred twice in the farm. The above are the more important results of the work at this farm.

But as stated in the annual reports more intensive cultural experiments on a commercial scale could not be undertaken owing to the limited area and costly water-supply at this farm. For these further experiments ponds supplied by a natural flow of spring water have now been constructed at Praema and already the fish there have shown signs of prolific breeding. Serious work has not yet begun at the Praema farm. However, from 1920 onwards several water-holes all over the Nallamalais have been stocked with larvicides which is reported to have resulted in an appreciable reduction of malarial infection.

(*d*) The receipts from the Sunkesula fish farm are given below :—

	RS.		RS.
1924–25	298	1926–27	238
1925–26	215	1927–28	265

These are stray receipts from odd items of sales. There is no regular income from the farm.

There are no receipts from the Praema farm.

Fish farms are not run on commercial lines. Like the agricultural farms they are intended to solve certain piscicultural problems which have a vital bearing on freshwater fisheries.

A. McG. C. TAMPOE,
Secretary to Government.

6th August 1929]

Appendix XV.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Letter from N. P. Venkatakrishna Reddiyar, Honorary Organizer of Panchayats, Sathambadi, Gingee taluk, to the Registrar-General of Panchayats, dated 6th February 1929.

1. சமுகத்திய 1929-௵ ஜனவரிமீ 10வயுள்ள 1760-2-ம் நம்பருள்ள ரிமைண்டரில் கண்ட 1928-ம்௵ டிசம்பர்மீ 3வயுள்ள 41721-1 நம்பருள்ளதும் 1928-ம்௵ டிசம்பர்மீ 3வயுள்ள Endorsement No. 596-1 எண்டார்சுமென்டுகளடங்கிய நாகந்தூர் ஆதிதிராவிடர்களால் கொடுக்கப்பட்ட பெடிஷன்களின்படி 1929-ம்௵ ஜனவரிமீ 30வயில் நாகந்தூர் கிராமத்துக்குப் போய் ஷை பெடிஷன்களில் கண்ட அம்சங்களைப்பற்றி விசாரிக்கப்பட்டது.

2. ஷை பெடிஷன்தார்களை காலை 11-மணி முதல் இரவு 8-மணி வரையில் தோட்டி தலையாரிகளைக்கொண்டு கூடியவரையில் தேடி பார்த்தும் தண்டோராபோடச் செய்தும் அவர்கள் வராததினால் ஷையார்களை விசாரிக்கக் கூடவில்லை. அவர்கள் இந்த பெடிஷனை யாருடைய் கற்பனையின்பேரிலோ கொடுத்துக்கொண்டதாகவும், அதன்படி சொல்வதற்கு சாத்தியப்படாமல் வேண்டுமென்றே மறைந்துகொண்டதாகவும் விசாரித்ததில் ஏற்படுகிறது.

3. மேலும் அந்த சேரியிலிருக்கப்பட்ட வயதானவர்களும் சேரித் தலைவர்களுமான 9 ஆதிதிராவிடர்களையும், மணியம், கர்ணம், லேட் இசும்பு மணியம் இவர்களையும் வரி விதிக்கப்பட்டு தகராரிலுள்ள ஷையூர் நடேச செட்டி என்பவரையும் விசாரிக்கப்பட்டது.

4. ஷை யார்கள் ஸ்டேட்மென்டில் வில்லேஜ் பஞ்சாயத்து எலெக்ஷன் காலத்தில் பெடிஷன்தார்களும் மற்றும் சேரியிலுள்ளவர்களும் வந்திருந்ததாகவும், தங்களுக்கு மெம்பர் வேண்டியதில்லை என்று சொல்லி விட்டதாகவும் சொல்லியிருக்கிறார்கள். மணியக்காரர், கணக்குப்பிள்ளை தங்கள் ஸ்டேட்மெண்டில் சேரியைவிட ஊரில்தான் ஜனத்தொகை அதிகமென்று சொல்லுகிறார்கள். இந்தக் கிராமம் நஞ்செய் புஞ்செய் சுமார் 930 எக்கரும் பேரீஜ் ரூ. 2,000 உள்ளதில் ஆதிதிராவிடர்கள்மட்டும் ரூ. 130 பேரீஜ் செலுத்தக்கூடியவர்களென்றும் மற்ற 1,870 ரூபாய் ஊரிலுள்ள மெம்பர்களாயுள்ள ரெட்டிகளும் மற்றுமுள்ள குடிகளும் செலுத்துவதாகத் தெரிகிறது.

5. பெடிஷன்தார்கள் ஆக்ஷேபனையிலுள்ள வரியானது ஷையார்கள் ஸ்டேட்மென்டினாலும் ரிக்கார்டுகளை பரிசோதித்ததாலும் வரி விதிப்பதற்கு முன்பு எல்லோருக்கும் பிரசித்தப்படுத்தியிருக்கிறதென்றும் தங்களுக்குத் தெரிந்தும் யாரும் ஆக்ஷேபனை சொல்லிக்கொள்ளாததால் வரி விதிக்கப்பட்டிருக்கிறதென்றும், பெடிஷன்தார்கள் மணிலா வியாபாரம் செய்தது உண்மையென்றும் ஏற்படுகிறது. தற்போது வரி ஆக்ஷேபனை செய்யும் துரைசாமி செட்டி, தான் மெம்பராயிருந்த காலத்தில் தானும், இன்னொரு மெம்பரும் பெடிஷன்தார்கள் மணிலா வியாபாரம் செய்ததாக ஒரு துண்டு சீட்டில் பெயர்களை எழுதி கையெழுத்திட்டு பஞ்சாயத்தில் கொடுத்திருக்கிறார்கள்.

[6th August 1929

6. மறுபடி ஊரில் நேரிட்ட ஏதோ மனஸ்தாபத்தின்பேரில் மெம்பர் பதவியை ராஜீநாமா கொடுத்துவிட்டு தானும் வரி கொடாமல் ஆக்ஷேபித்துக்கொண்டு ஷை ஆதித்திராவிடர்களையும் தனக்கு சகாயமாய் சேர்த்துக்கொண்டு கலகம் செய்வதாக ஏற்படுகிறது. இது சம்பந்தமான கிரிமினல் கேசும் திண்டிவனம் சப் மாஜிஸ்ட்ரேட் கோர்ட்டில் நடந்துகொண்டிருக்கிறது. ஷை யார்கள் வரி செலுத்த சக்தியுள்ளவர்களாயிருப்பதும் தவிர அவர்கள் வேணுமென்றே ஆக்ஷேபனை செய்துகொண்டிருப்பதாகவும் தெரிகிறது. அவ்வூர் உபதேசி நெகோமியா என்பவரும் சில ஆதிதிராவிடர்களும் இதற்கு என்று கலகம் செய்துகொண்டிருப்பதாகத் தெரிகிறது.

7. ஆகையால் பெடிஷன்தார்களுக்கு வரிவிதி விதித்ததும், எலெக்ஷன் நடத்தினதும், நியாயமென்றும், அவர்கள் வரி கொடுக்க சக்தியுள்ளவர்கள் என்றும், அவர்கள் பெடிஷனில் சொல்லியுள்ள ஆக்ஷேபனைகள் சரியானவையல்லவென்றும், நேரில் வந்து ஆக்ஷேபனைகள் சொல்லிக் கொள்ளாமல் மறைந்திருந்ததால் சிலருடைய துர்ப்போதனைக்குட்பட்டே பெடிஷன்கள் கொடுக்கப்பட்டதாகவும் விசாரணையில் எனக்கு ஏற்படுகிறது. ஆகையால் இந்த பெடிஷனை தள்ளிவிடலாம்.

8. இவ்விதம் கலகம் நடந்துகொண்டிருப்பதால் பஞ்சாயத்து வேலைகள் நடைபெறக்கூடாமையாயிருக்கின்றன. இது விஷயமாய் பெடிஷன்தார்களுக்கு தகுந்த எச்சரிக்கை செய்து கலகம் உண்டுபண்ணுமலிருக்க உத்தரவு பிறப்பிக்கவேணுமாய் கோறலாகிறது.

PROCEEDINGS OF THE REGISTRAR-GENERAL OF PANCHAYATS.

Fort St. George, dated 13th February 1929.

R. Dis. No. 102-1.

READ—

Petition from Ayyadurai and others of Nagandur Cheri, Gingee taluk, dated 29th November 1928.

Report from the Honorary Organizer, Gingee, dated 6th February 1929.

Order.

The strength of the Nagandur Panchayat is being raised to 12 members. The petitioners are advised to compete for the seats at the time when the elections are conducted by the Honorary Organizer, Gingee.

The objections to the levy of the groundnut tax urged by the petitioners are not of any weight and the sanction accorded to its levy cannot be cancelled at this stage.

A. DURAISWAMI,
Acting Registrar-General.

To Petitioners.
,, the President, Village Panchayat, Nagandur.
,, the Honorary Organizer, Gingee.
,, the President, Taluk Board, Tindivanam, with the original election record wi his letter No. 33—T.B., dated 26th January 1929.

APPENDIX XVI.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

LAW (GENERAL) DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer to question No. 1829 given at the meeting of the Legislative Council held on the 23rd March 1929 and the supplemental questions connected therewith, the following statement is laid on the table :—

STATEMENT.

Legislative Council Question No. 1829, *answered on the 23rd March* 1929, *regarding the alleged ill-treatment of persons connected with the Koilpatti sedition case.*

All the prisoners connected with the Koilpatti sedition case were allowed to have their books. All of them except Kuppuswami Mudali were allowed to have their shoes also. In the case of Kuppuswami Mudali, the medical officer did not consider the use of shoes necessary within the jail. None of the prisoners complained about the quality of the food supplied to them.

The prisoners have not been detained in jail for failure to furnish security but have been convicted of sedition and sentenced to simple imprisonment.

26*th May* 1929. J. VENKATANARAYANA.

[6th August 1929

APPENDIX XVII

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answers given to the supplementary questions to question No. 1840 at the meeting of the Legislative Council held on 23rd March 1929, the following information is laid on the table :—

Legislative Council Question No. 1840 *answered on* 23*rd March* 1929.

The following are the cotton spinning mills working in the Madras Presidency :—

1. The Buckingham Mills, Madras.
2. The Carnatic Mill Company, Madras.
3. The Madras United Spinning and Weaving Mills, Madras.
4. Coral Mills Company, Tuticorin.
5. The Malabar Spinning and Weaving Company, Calicut.
6. Stanes Spinning and Weaving Company, Coimbatore.
7. Coimbatore Mall Mills Company, Coimbatore.
8. Sri Radhakrishna Mills, Peelamedu, Coimbatore.
9. Sri Ranga Vilas Spinning and Weaving Mills, Peelamedu, Coimbatore.
10. Kaleeswarar Mills, Coimbatore.
11. The Madura Mills, Madura.
12. Sree Meenakshi Mills, Madura.
13. Pandyan Mills Company, Madura.
14. Harvey Mills, Ambasamudram.
15. Tinnevelly Textiles, Koilpatti.
16. Sree Suryanarayana Spinning and Weaving Mills, Pandalapaka.
17. Sree Ramachandra Spinning and Weaving Mills, Pandalapaka.

A. McG. C. TAMPOE,
Secretary to Government.

6th August 1929]

APPENDIX XVIII

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the reply given by the Hon'ble the Minister for Development to M.R.Ry. Diwan Bahadur P. C. Ethirajulu Nayudu Garu, M.L.C., in the course of supplementary questions on Legislative Council Question No. 1519 at the meeting of the Legislative Council held on 28th February 1929, the following note on the work done by the water diviner is placed on the table of the House :—

M.R.Ry. C. P. Garudachala Mudaliyar was employed by Government as water diviner for a period of nine months, from 12th March 1928, in connexion with the survey of subsoil water in the Bellary firka. Fourteen villages in the Bellary firka aggregating an area of about 101 square miles were selected for the survey and it was proposed to put down about 400 borings at the rate of one for every quarter of a square mile on the sites selected by the water diviner. During the period he was employed the water diviner was able to select 107 sites in the undermentioned eight villages against a total of 400 bore-holes originally intended to be put down in all the fourteen villages comprising the survey :—

(1) Bisalahalli ..	15	(6) Gonehallu ..	12
(2) Beevanahalli ..	8	(7) Kolegal	10
(3) Haddinagunda ..	11	(8) Bellary	3
(4) Sridaragadda ..	32		
(5) Sanganakallu ..	16	Total ..	107

The water diviner could not indicate the quantity or quality of the water likely to be met with or the depth at which water was likely to be struck, but he indicated with the help of his divining rod the sites where water was likely to be tapped, thus minimising unsuccessful borings. In addition to the selection of sites, the water diviner marked out the underground water-courses in Bisalahalli and a portion of Sanganakallu and a map of these water-courses has also been prepared. Of the above 107 sites selected, bore-holes ranging from 40 to 165 feet in depth have been put down in 53 sites and 14 borings are now in progress. The great majority of the bore-holes have struck water in a greater or less degree, the number of unsuccessful borings being about 10 per cent. Considering the nature of the area selected for the experimental survey and the great scarcity of water which existed even for drinking purposes, this result may be considered satisfactory.

A. McG. C. TAMPOE,
Secretary to Government.

Appendix XIX

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Development Department.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to the supplementary question to question No. 1853 at the meeting of the Legislative Council held on 25th March 1929 the following information is laid on the table :—

Legislative Council Question No. 1853 *answered on* 25*th March* 1929.

The five weaving parties that were at work during 1927–28 were stationed at Samalkot, Gudiyattam, Tiruchengodu, Madura and Melapalaiyam practically throughout the year. Since 1925, these parties directed their efforts chiefly towards the improvement of the preparatory processes and the demonstration of the departmental hand-sizing machines in selected centres of the Presidency. These machines could not be carried about easily from door to door of the weavers as in the case of fly-shuttle slays. Consequently the weaving parties engaged in the demonstration of these machines had to work for a considerable length of time at one particular centre until an organization was set up to provide sized warps for the benefit of the weavers.

25*th June* 1929. A.McG. C. Tampoe.

Appendix XX.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Public Works and Labour Department.

COMMUNICATION TO THE COUNCIL.

[Subject.—*Traffic on the Narasapur-Razole ferry, West Godavari district.*]

With reference to the answer given to question No. 1627 at the meeting of the Legislative Council, dated 2nd March 1929, the following report is laid on the table :—

Resolution of the Board of Revenue (*Land Revenue and Settlement*), *Rout. No.* 3627, *dated* 1*st June* 1929.

The Collector of West Godavari reports that the particulars called for in clause (*a*) of the Legislative Council question No. 1883 by Mr. J. Bheemayya are not available either in his office or in the office of the District Board, West Godavari.

A. G. Leach,
Secretary to Government.

13*th June* 1929.

6th August 1929]

Appendix XXI.

[Vide item XII—Papers laid on the table of the House at page 93 supra.]

Revenue Department.

[Prices—Madras—Firewood—Rice in price due to the closure of the Buckingham Canal.]

With reference to the answer given to Question No. 1751 *at the meeting of the Legislative Council held on* 15*th March* 1929 *the following papers are laid on the table* :—

(i)

Letter from P. C. Dutt, Esq., I.C.S., Collector of Madras, to the Secretary to Government, Revenue Department, dated the 20th March 1929, No. D. Dis. A. 854/29.

The existing sale price of casuarina broken firewood ranges from Rs. 26 to Rs. 30 per ton according to quality; and this price has been prevalent during the last one week. This reduction in price is indirectly due to the orders of the Government to open the canal for traffic. Though sufficient stock has not been received through boats, still the apprehension of the firewood exporters in Nellikuppam, Mannargudi, Alapakam and other places who have been sending the firewood by rail that, if the canal is kept open, the demand for their stock will go down, has lowered the prices. The Tahsildar reports that as the canal has been closed again and as the existing stock is insufficient for the requirements till the reopening of the canal, the date of which has not been exactly announced, the depot-keepers say that the prices are likely to go up again. They therefore state that the exact date of closing and opening the canal should be fixed by Government and given wide publicity to all the casuarina tope owners living in villages from Adyar to Marakanam near Pondicherry. If this is done they state that the boats containing the firewood will be kept ready and used for to and fro journeys as soon as the canal is declared open and that the prices will go down more as they will then make arrangements in advance for supply of adequate stock.

(ii)

Official Memorandum No. 6454–*D*/29–1, *P.W. & L., dated* 23*rd March* 1929.

A copy of the letter from the Collector of Madras, No. D. Dis. A. 854/29, dated 20th March 1929, is forwarded to the Executive Engineer, Chingleput division, and he is requested to communicate to the Tahsildars concerned copies of all notifications issued by him in regard to the closure and the opening of the canal, specifying clearly the reaches of the canal that are affected during each closure period.

2. The Board of Revenue is requested to instruct the Tahsildars concerned to publish the notifications by beat of tom-tom in all the villages in their jurisdiction.

C. A. Souter,
Secretary to Government.

[6th August 1929

(iii)

Proceedings of the Board of Revenue (Land Revenue and Settlement), Routine No. 3123, *dated* 8*th May* 1929.

Khan Bahadur MUHAMMAD BAZL-UL-LAH SAHIB Bahadur, C.I.E., O.B.E.,

Commissioner of Land Revenue and Settlement.

Read—the following paper :—

Letter from P. C. DUTT, Esq., I.C.S., Collector of Madras, to the Secretary to Government, Revenue Department, dated the 6th May 1929, D. Dis. No. A-1, 1029/29.

The price of firewood (broken) ranges from Rs. 23 to Rs. 26 per ton according to quality after the 21st April 1929.

Resolution—Routine No. 3123, *dated* 8*th May* 1929.

Submitted to Government.

(iv)

Letter from R. D RICHMOND, Esq., I.F.S., Chief Conservator of Forests, to the Secretary to Government, Development Department, dated the 27th May 1929, D. Dis. No. 1924/29.

[Legislative Council Question No. 2136 (1751)—Firewood—Supply—Madras City.]

Clause (*b*) *of the Legislative Council Question.*—The quantities of firewood brought into the city during the past three years from Government forests were—

	TONS.
1926-27	18,621
1927-28	26,257
1928-29	33,298

Clause (*c*) *of the Legislative Council Question.*—During the year 1928-29, 6,481 acres of Government forests suitably situated for the extraction of fuel to Madras were leased to 28 persons but no definite purpose was specified in the leases. The leased areas often contain small timber, which is locally used, as well as fuel.

Clause (*d*) *of the Legislative Council Question.*—There has been no complaint of the coupes being too big for small lessees. The area of the coupes varied from 50 to 184 acres.

Clause (*f*) *of the Legislative Council Question.*—There are no casuarina plantations owned by Government. Under the new working plan for the Sriharikota Forests in Nellore district it is expected that an area of 500 acres will be planted with casuarina at the rate of 50 acres per year from the current year.